United Nations A/HRC/28/NGO/65

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03116 (E)
1503116

Please recycle

Australia's treatment of Asylum seekers

Australia is considered by the UNHCR as the eighth largest recipient of asylum seekers in the industrialised world. Asylum seekers from Afghanistan, Sri Lanka, Iraq and Iran or Myanmar pay large amounts of money to smugglers in order to escape persecution and human rights abuses and to the Australian coasts.

The journey of the asylum seekers is extremely dangerous not only because Australia is geographically far away from the original country but also because the tiny boats are not suitable for such a long journey. However, the need to flee abuses is so urgent that the migrants are boarding anyway, reassured by the fact that Australia is one of the few states next to South East Asia that have ratified the Convention relating the status of Refugees.

Unfortunately, asylum seekers do not know that Australia has one of the strictest asylum policies and immigration detention regimes in the world. The immigration law differentiates between two types of asylum seekers: those arriving in Australia with a valid Visa and then applying for protection and those arriving in Australia by boat without a valid Visa.

The first category of asylum seekers have their claims directly assessed by the Department of Immigration and Border Protection which decide whatever a person is a refugee according to the criteria set out in the Refugee Convention, meet the 'complementary protection' criteria or is not eligible for protection.

The second category of asylum seekers, the one arriving by boat and without a valid Visa, is subjected to the "third country regime" and transferred to a third country unless the Minister for Immigration exercises his/her discretion to exempt them from transfer.

Under this system, asylum seekers who have arrived by boat must be transferred to a third country as soon as is reasonably practicable unless the Minister for Immigration and Border Protection exercises his discretion to exempt them from transfer.

That means, that if the unauthorised asylum seekers are allowed by the Minister to remain in Australia, their claims will be processed under the Australian law and if transferred to a third country their claims for protection will be processed under that country's laws.

According to the amendments to the Australian Migration Act 1958, Papua New Guinea (PNG) and Nauru have been designated as 'regional processing countries'.

Furthermore, in 2013, the Australian Government and the Papua New Guinea government have agreed on a new policy for unauthorised asylum seekers, In a Regional Resettlement Arrangement (RRA) and in a new Memorandum of Understanding (MOU) the two states have established that asylum seekers arriving unauthorised by boat to Australia will be transferred to Papua New Guinea and processed under the Papua New Guinea law, and if found to be refugees, in Papua New Guinea, rather than in Australia. In addition, if the asylum seekers are not eligible for protection, they will be returned to their country of origin or a country where they have a right of residence. A similar agreement has been signed also with Nauru.

Through the "third country regime" the Australian government is infringing on international laws obligations dictated by the law of treaties but also by the customary law, discriminating asylum seekers on their mode of arrival and breaching the non-refoulement principle which as customary law's principle cannot be delegated to third countries.

The arrival mode is a factor that depends strongly on the discrimination and persecution degree, not all the future asylum seekers are able to apply for a Visa; many of them have no documents or are even stateless. On the website of the Australian Customs and Border Protection Service, there is a flyer which is inciting the asylum seekers to not believe human smugglers because "NO WAY you will not make Australia home". Leaving aside the dubious taste of

the flyer - among many language translations that have been made available there is also the Rohingya language - ironically, the Australian government does not seem to be aware or wilfully ignores that the Rohingya are a stateless minority in Myanmar and as such they do no not possess any documents and apart leaving in internally displaced camps. They are undocumented and also subject to severe restrictions on freedom of movement. This in addition to the physical impossibility to reach an embassy makes them not eligible for a visa.

The Australian government refuses also to take notice of human rights violations and the dire living situation of the detention centres where the asylum seekers are sent to.

Alarming are recent reports and testimonies documenting about sexual, physical and psychological abuses against children and women detained at Nauru and Manus island detention centres.

A former nurse who worked in the Australian-run detention centre on Nauru has described the condition of the camp as shocking and as "inadvertent torture". Citing just some examples she reported about a three-year-old boy that had been put on Risperidone, which is an anti-psychotic and the dramatic situation of many women who were wetting their bed at night because they were too frightened to go to the toilet blocks controlled by male guards.Physical and mental abuse are a daily occurrence and in addition to a hunger strike initiated by asylum seekers against the separation of families in different centers and the no-limit detention there is an increasing number of suicide attempts.

The situation of asylum seekers in Manus' island in Papua New Guinea is not better, rights groups reported poor hygiene conditions, violence, unrelenting heat and lack of facilities. Two Iranian men, Reza Barati and Hamid Khazaei have died during their detention in the centre. Mr. Barati has been beaten to death by a mob comprising camps guards and Papua New Guinea local residents who had broken into the centre while Mr. Khazaei has been declared brain dead following a severe infection of a cut foot.

In addition to the restrictive immigration policy and to the plight of the third countries regime's detention centres, the Abbott government has introduced the Operation Sovereign Borders, an instrument which is aimed at stopping human trafficking but that in the practice is violating the non-refoulement Principle. Indeed, the Operation Sovereign Borders put the military in control of asylum operations, by intercepting any vessel that is seeking to illegally enter Australia and safely removing it beyond Australian waters. Removing boats beyond Australian waters means sending back the asylum seekers to countries were they could face persecution. Under this policy the military has returned without any verification two boats full of asylum seekers from Sri Lanka.

Therefore Society for threatened Peoples urges the Human Rights Council to call on the Government of Australia to:

- Revise the Asylum seekers policy
- Respect international law obligation and customary law in particular the non-refoulment Principle and the non-discrimination Principle
- Respect international standards for asylum seekers dictated by the international treaties law
- End the "third country regime"
- End immediately the "Operation Sovereign Borders" and respect the non-refoulement obligation
- Genuine investigate the gross human rights violation in Nauru and Papua New Guinea detention centres
- Provide protection to particularly weak groups such as women, pregnant women, children and unaccompanied children

United Nations A/HRC/28/NGO/66

General Assembly

Distr.: General
24 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03459 (E)

1503459

Please recycle

Human rights situation of the Rohingya in Myanmar

In 2011, Myanmar opened up to the world, choosing the path of democracy and getting rid of a military government which had ruled for fifty years and that has left as a legacy a poor country, divided and wounded by violence.

The government of President Thein Sein is undertaking a series of political, economic and administrative reforms aimed to guarantee democracy and prosperity. However, the absence of a genuine legal basis is allowing the adoption of reforms that only strengthen the power of the military caste and that are leading to growing inequality and discontent in the population.

Drafted under the military government, the constitution guarantees the military with a quarter of seats in parliament and veto power over decisions taken by legislators.

The military privileges provided by the 2008 Constitution are not only hampering the constitutional amendments which the country strongly needs in order to continue its path towards democracy, but are also facilitating the adoption of laws that have nothing to do with democracy.

Currently, the Myanmar parliament is debating a controversial legislative package called the "Laws on Protection of Race and Religion" which includes the Religion Conversion Bill, Interfaith Marriage Bill, Population Control Bill, and the Monogamy Bill. The legislation has been proposed by an extremist Buddhist organization called the Association for the Protection of Race and Religion, which is connected to the nationalist Buddhist monk Wirathu and the 969 Movement.

This group of bills is not only violating human rights in several ways but it is also endangering the peace and unity of the country.

The Religion Conversion Bill includes restrictions on converting to another religion especially for those who are wishing to convert from Theravada Buddhism to a minority religion or to atheism. The bill set out a process for applying for official permission to convert from one religion to another, giving Township-level official from various government departments the power to determine whether an applicant has exercised free will in choosing to change religion. Penalties up to two years are foreseen for those who are found to be applying for conversion "with the intent of insulting or destroying a religion" or "undue influence or pressure".

The Interfaith Marriage Bill will restrict the rights of women, especially Buddhist women to choose their husband and to contract marriage. In fact, even this bill prescribes Buddhist women to get permission from both parents and local government officials before marrying men from another religious faith, while non-Buddhist men are forced to convert to Buddhism before marrying Buddhist women. In addition to the marriage restrictions women from all faiths have been also direct targets of the Population Control Bill, which allows the government to put a limit to the number of children people can have.

The Monogamy Bill deals with the already forbidden polygamy and add measures in order to stop it, succeeding in criminalizing and marginalizing the ethnic and religious group who are traditionally practicing it. All the proposed bills, if enacted, would violate international human rights standards, the international obligation of Myanmar as well as the 2008 Constitution.

The rights of freedom of religion, conscience, expression and the anti-discrimination principle are widely protected under international laws and in some of the international treaties that Myanmar has ratified or accepted like the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Also the national law

contains an anti-discrimination Principle; in Article 348 of Chapter VIII of the 2008 Constitution it is written that: "The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth."

However, despite the clear violation of international obligations and of the same constitution the government of President Thein Sein supports the Laws on Protection of Race and Religion and is prepared to move the legislation to exploit religious divisions for political gains.

Furthermore, the proposed laws are leading to a legal way to discriminate and persecute the Muslim population, especially the Rohingya which are already persecuted and forced to live in IDP (internally displaced persons) camps across the country. The government of Myanmar in collaboration with the Association for the Protection of Race and Religion is fostering a nation of one religion and one ethnicity and aimed to reduce or cancel the other religious minority in the country.

The Rohingya minority is a target of systematic human rights violations sponsored by the government and by the extremist Buddhist monk Wirathu and his 969 Movement.

Wirathu is inciting violence against the Rohingya in his sermons. He preaches a nationalist lifestyle for all Buddhist who are called to protect the Buddhist race against the Muslims.

Three years of violence have confined the Rohingya in IDP camps where they have to live in unbearable conditions. The Special Rapporteur for Human Rights in Myanmar, Mrs. Yanghee Lee said that the condition in the Rohingya IDP camps were not only deplorable but also that no improvement has been made by the government in order to help the Rohingya.

The visit of the UN Special Rapporteur for human rights, Yanghee Lee, in Myanmar has been accompanied by a lot of criticism and demonstrations of Buddhist nationalist group. On the last day of Mrs. Yanghee Lee's visit the Buddhist monk Wirathu had the audacity not only to incite an angry crowd against her but also to insult Mrs. Lee with sexist comments. The Myanmar government, despite the reaction and the indignation of the international community has not commented on the obscene language of Wirathu. Instead, Mrs. Lee has been criticized for her use of the word Rohingya.

Wirathu and the 969 Movement are more than tolerated by the government and even supported by Thein Sein and by military officials. When the international community had called on Myanmar's government to intervene against the religious hate propaganda of Wirathu, Thein Sein and his spokesperson entrenched themselves behind the freedom of religion and thought. A freedom of religion and thought which is guaranteed, however, only to "friends" of the government, which is acting more and more as an autocratic government rather than the democratic-minded system it claims to be.

On one hand, the 969 Movement is endangering the democratic reforms Myanmar needs and on the other hand the same 969 Movement is being used by the government in order to create a climate of instability which is favoring the concentration of actual power again in the hand of the

Therefore, Society for Threatened Peoples urges the Human Rights Council to call on the Government of Myanmar to:

• Revise legislation as necessary, in particular the legislative package "Laws on Protection of Race and Religion".

• Not hinder and delay the necessary constitutional reforms with a focus on the legacy of the Article 436 (military veto) in a democratic context

•Take action against the 969 movement and other organizations that are implicated in anti-Muslim violence.

• Condemn the Buddhist monk U. Wirathu for insulting a representative of the United Nations in the conduct of her duties

• Condemn and dispel hate speech and propaganda against all ethnic and religious groups.

• End immediately human rights violations and resolve the grievous situation of Muslim minorities in the country with particular emphasis on the Rohingya religious community

• Fully, impartially and fairly investigate and persecute those responsible for serious abuses and human rights violations against the Rohingya.

• Allow for a fair repartition of humanitarian aid

United Nations A/HRC/28/NGO/67

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03117 (E)
1503117

Please recycle

Palestinian Exploitation of Children as Weapons of War

On June 12, three Israeli teens – Gilad Shaar, Naftali Frankel, and Eyal Yifrah – were abducted from a bus stop and murdered by Hamas terrorists. Their bodies were mutilated and discarded in a shallow grave only to be discovered two weeks after their disappearance. The Israeli public collectively engaged in intense grief and rallied in support of the boys' families. In contrast, the Palestinian public widely celebrated the crime, adopting a three-fingered salute honoring the "heroic" perpetrators and mocking the grieving families on social media. Coupled with these celebrations was a major intensification by the Hamas terrorist organization of rocket attacks on Israeli population centers targeting civilians. Many of these missile strikes hit kindergartens, schools, and synagogues. The massive increase in rocket fire escalated into a war in which Hamas and other Palestinian terror groups embedded their war infrastructure and weaponry within homes, schools, and mosques to carry out war crimes.

The kidnapping and murder of the Israelis and the Palestinian response highlight the use of children as an integral part of the Palestinian war strategy targeting the right of the Jewish people to sovereign equality. As innocents, children are to be shielded as much as possible from the horrors of adult conflict and violence. Yet, children have long been the target of choice for Palestinian terrorists, just as they are for other Islamist terror groups such as ISIS, Boko Haram, and the Taliban. The Palestinian tactic of targeting children is not new, but tragically there are many recent examples: In 2011 Hamas launched a heat-seeking missile at an Israeli school bus, killing a 16-year old boy. In 2010, Palestinian terrorists associated with the PFLP murdered five members of the Fogel family, stabbing to death two small children and decapitating a 3-month old baby. In 2008, a Palestinian gunman open fired on children studying in a Jerusalem school library, murdering eight. In 2004, Gazan terrorists affiliated with Islamic Jihad shot at point blank range and killed Tali Hatuel, eight-months pregnant, along with her 4 young daughters aged two to ten. And on August 23, a Hamas mortar killed 4-year old Daniel Tragerman as his father struggled to usher him into a safe room.

Palestinian terrorists, with official backing, have detonated suicide bombs in pizza shops, buses, weddings, bar mitzvah celebrations, and malls to inflict the most casualties as possible on the defenseless. Many Hamas terror tunnels uncovered during the 2014 war contained entrances near Israeli kindergartens. Like the reaction to the June kidnappings, outrage from the Palestinian community for these atrocities is rare, if expressed at all.

The Palestinian assault, however, is not limited to Israeli children. Palestinian children, too, are exploited as weapons of war: Pictures abound of Palestinian babies dressed as suicide bombers and brandishing arms. Children's TV programs, many sponsored by the Palestinian Authority itself, preach jihad, advocate genocide against Jews and infidels, and glorify martyrdom. A young girl on a program recently aired on Hamas TV was encouraged by the host to be in the police when she grew up so that she could "shoot Jews … all of them." After years of being educated with incitement, Palestinian pre-teens are then pressed into service by "popular committees" to engage in riots and violent confrontations with Israeli soldiers. Older kids are sent to hurl firebombs and slingshot projectiles. Hamas, Islamic Jihad, and Fatah's Martyrs Brigades enlist teens to be suicide bombers and to commit other atrocities against Israeli civilians. More than 160 children have reportedly died building Hamas terror tunnels. According to media accounts, in January 2015, more than 10,000 teens graduated from Hamas terror training camps – priming them to be child soldiers and commit atrocities against Israeli civilians.

Even rock-throwing, which has often been deadly, puts Palestinian minors at risk for arrest and jail time. The horrific and reprehensible murder of 16-year old Mohammed Abu Khdeir was also exploited by these committees to incite teens to engage in violent rioting and mass destruction of property.

In addition to turning minors into combatants, Palestinians deliberately place children at risk by co-locating weapons and terror infrastructure inside schools, hospitals, and mosques. Hamas officials have appeared on TV calling on Gazans to serve as human shields and to ignore Israeli warnings of pending military activity. Terrorists adorn civilian dress and launch rockets and other weapons from within civilian areas to maximize loss during retaliatory attacks. According to IDF estimates, more than 25% of Palestinian rockets fall short of their Israeli civilian targets within Gaza. Many Palestinian children have been killed as a result, including 11-month old Jihad Misharawi in November 2012 and a three-year old girl in July. On July 28, a Hamas rocket landed at the Al Shati refugee camp, reportedly killing at least

eight Palestinian children. Hamas and other Palestinians parade and pose the bodies of dead Palestinian children for the media as part of their propaganda.

The most shocking aspect of this deliberate disregard for children's lives and dignity, however, is the enabling of these crimes by the UN, the EU, and so-called human rights organizations. UN institutions and officials, particularly at the HRC, look the other way and even in some cases praise these abuses as "resistance." During the latest Hamas war, dozens of rockets have been found hidden in UNRWA schools, and media reports have shown children playing on rocket launchers located just outside UN shelters. Many rocket launches have taken place from within or near UN facilities. Yet, UNRWA officials have remained silent or only offered half-hearted condemnations of these war crimes. The UN claimed it would conduct an inquiry into these incidents, but has yet to provide any details on the investigation or publish any results. In addition to aiding and abetting Hamas' war effort, independent research has also uncovered mass incitement to violence, antisemitism, and denial of the Holocaust by UNRWA teachers.[1]

The EU funds many TV programs and other media that perpetuate terrorist indoctrination and incitement. The EU also partners, through NGO projects, with the Palestinian Struggle Coordinating Committee, responsible for organizing protests that frequently turn violent. EU largesse has also been used by the PA to pay salaries to convicted terrorists serving their sentences in prison.

NGOs like Amnesty International and Human Rights Watch generally bury condemnations of these violations against children in lengthy publications accusing Israel of war crimes. Calls for accountability or an end to impunity for terror perpetrators are rarely made. Measures such as universal jurisdiction lawsuits, boycott campaigns, and lobbying for ICC prosecutions (the NGOs' weapons of choice against Israel) are never wielded against Palestinians for their crimes against children. Such complicity only emboldens future acts and represents the total inversion of morality, human rights, and law.

In April 2014, the Palestinian Authority "unity" government purported to join more than fifteen international human rights conventions. Yet, the Palestinians have disregarded every one of these agreements since their accession and have committed thousands of violations. The on-going Palestinian exploitation of children violates dozens of provisions in these treaties, including Articles 12, 34, 48, 51, 52, 77 of the Additional Protocol I of the Geneva Conventions; Articles 3, 17, 32, 36, 38 and the Optional Protocol of the Convention on the Rights of the Child; and Articles 1-3, 5 of the Convention Against Genocide.

The depraved exploitation and abuse of children as targets and weapons by Palestinians must end. Yet, these abominable tactics will persist so long as the UN, members of the international community, and NGOs continue to enable these atrocities.

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[1] http://elderofziyon.blogspot.co.il/2014/11/online-unrwa-teachers-group-approves-of.html

United Nations A/HRC/28/NGO/68

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

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[16 February 2015]

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GE.15-03135 (E)
1503135

Please recycle

Instrumentalization of Counter-Terrorism in China and the Erosion of Human Rights for Uyghurs

Society for Threatened Peoples would like to call attention to the ongoing and deteriorating situation in Xinjiang, China. Since the introduction of China's "strike hard" campaign in May, 2014, ostensibly aimed at combatting terrorism in the region has laid waste to internationally recognized standards of human rights while countering terrorism.

Counter-terrorism has subsequently emerged as a reliable justification for extrajudicial killings by police, mass arrests, arbitrary detention and the drafting of ever-more restrictive legislation in clear violation of not only China's international legal obligations, but its own Constitution, which affirms protections for freedom of speech, assembly, association, demonstration and religious belief.

There has been little or no indication thus far that Chinese authorities have remained respectful of these principles, instead relying on its own obstinacy as a guide. UN Security Council in Resolution 1456, which details the nature of counter-terrorism operations and stresses the importance of their adherence to internationally recognized human rights norms, has been altogether ignored. The justification of the use of force under the guise of a threat to security is certainly not a new one and has been well exploited by states particularly since 9/11.

Considerable concern has been raised about the nature of China's newly introduced draft legislation on counter-terrorism. Of concern is its dangerously vague definition of terrorism and terrorist activities, its conflation of religious activity with extremism, its drastic expansion of surveillance programs, and the suspension of due process for the designation of terrorist organizations. These measures filter into almost all aspects of Uyghurs' lives, including their freedom of movement and religious and cultural practices.

Arrests increased dramatically through 2014 as a result, with Chinese sources suggesting that 27,164 "terror suspects" were jailed in the region throughout the year, despite providing no reliable or substantive information about the nature of the arrests. These figures signal Beijing's willingness to continue to silence dissent above all else.

Prominent Uyghur academic, Ilham Tohti, was arrested on January 15, 2014, and subsequently sentenced to life in prison, on account of his critique of state policies. Although Tohti has been considered a moderate voice on the conflict, emphasizing harmony and conciliation between Uyghurs and Han Chinese, his case serves as an apt illustration of the explicit biases of China's justice system as well as a harbinger of the direction that the state is choosing to follow with regards to dissent.

Tohti was denied access to legal representation for months following his arrest and there are credible reports suggesting that evidence was withheld from his lawyers. Although his case was monitored by the international community, many others are not. Uyghurs are frequently arrested and held on dubious charges for long periods of time with no access to legal representation.

The UN Working Group on Arbitrary Detention (WGAD), in an opinion adopted between April 22 and May 1, found that, "The deprivation of Mr. Tohti is arbitrary, being in contravention of articles 9, 10, 11, 18, 19, 20 and 21 of the Universal Declaration of Human Rights" and urged the government to "take the necessary steps to remedy the situation, which include the immediate release of Mr. Tohti and to grant him compensation for the harm he has suffered during the period of his arbitrary detention". No actions have yet been taken in response to the opinion – a clear sign of China's continued reluctance to follow internationally recognized legal standards. Tohti was denied his appeal of the verdict and remains in prison today.

Along with many Uyghurs, tens of thousands of other activists, petitioners, Falun Gong practitioners, Christians and Tibetans are also believed to be in detention purely for their political or religious views. Authorities substantially intensified their curbs on Islam among the Uyghur population in particular in 2014, making hundreds of arrests, heavily monitoring religious leaders and conducting house-to-house searches.

China's new legislation targeting religious extremism, introduced in November and put into effect in January, 2015, serves to further limit the exercise of religious practice among Uyghurs. According to the new restrictions, children under the age of 18 are barred from attending religious services or from entering mosques for prayer. Likewise, public service employees remain barred from religious practice during working hours and were most recently prohibited from fasting during the holy month of Ramadan in July, as has been the case over the past decade. The wearing of traditional headscarves and other religious dress as well as men donning beards has also been restricted.

Imams and other religious leaders now require vetting by state officials to ensure that they are strictly teaching within the bounds of what the government tolerates. Surveillance of mosques and the thorough screening of materials produced by religious leaders is now commonplace.

China's recent intention to publish an exhaustive list of approved places of worship as a means to "root out" illegal religious activities is also of particular concern. The new controls will effectively bar communal prayer and likely other religious activities from all but these designated locations – clearly in contravention of international human rights law and the freedom to practice one's religion.

As a direct result of deteriorating conditions in the region, Uyghurs have begun fleeing the country in even greater numbers. Especially since 2009, hundreds of Uyghurs have been caught up in detention centres in Thailand, Malaysia, Cambodia, Laos, Nepal, Burma and Kyrgyzstan, where many have been returned to China to face arrest, torture or disappearance. Uyghur refugees and asylum seekers have been forcibly deported in many of these cases – in flagrant violation of both national deportation procedures and international law – from countries with strong trade and diplomatic ties to China.

The non-refoulement principle, spelled out in the 1951 Refugee Convention requires that states do not allow for the forcible return of refugees or asylum-seekers to territories where their "life or freedom would be threatened on account of race, religion, nationality, member of a particular social group, or political opinion". Uyghur refugees currently remain in detention facilities in Thailand and Malaysia and their return has already been requested by Chinese authorities. Thai and Malaysian authorities are legally obligated not to submit to this pressure, and must uphold the effective legal principles of democratic states.

At the heart of each of these issues is the unwillingness to understand or recognize root causes which continue to go unaddressed with the hope that the problem will resolve itself. Far from a reasonable approach, Chinese authorities maintain that instability should be met with unrestrained force targeting the Uyghur people. This will never serve as an appropriate response to violence and will only exacerbate an already perilous relationship between parties in the region and likely drive more towards violence. Violence begets violence, but it is crucial that we remember that peace begets peace, and understanding, understanding.

In conclusion, the Society for Threatened Peoples calls on member and observer states at the Human Rights Council as well as international human rights organizations to recognize the situation for what it is – a genuine human rights problem for millions of Uyghurs living in Xinjiang – and call on the Chinese delegation to put a stop to its clear abuses.

United Nations A/HRC/28/NGO/69

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Al Zubair Charitable Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03136 (E)
1503136

Please recycle

Tabet Forged Rape Cases

We got to know that a massive rape cases extended to the number of two hundred and twenty-one women and girls in the village of Tabet North Darfur

We were shocked and worried a lot by this statement for several reasons: Firstly that its abnormal within Sudanese society - Secondly, the magnitude of the number of his attacker and the third charge is assigned to their security protection and the event occurred under the stability and security of the region, which has not witnessed any kind of tribal conflicts or armed movements security incidents since 2009,

Our responsibility as an organization mandated for protection and maintenance of all human rights requires us to take immediate action to investigate a private matter after repeated claim of Radio Dbnguet and in contraction with UNAMID initial report (joint Committee UN and the African Union).

Members of the organization have conducted a field visit to the village to make sure in coordination with local and other foreign organizations to provide support and assistance to them and report the matter to the competent authorities concerned with the maintenance of human rights and protection of women from physical and sexual violence and to address the damage and seek how to bring the perpetrators to trial.

The Organization mission arrived on 15/11/2014 AD and met a large gathering of residents of the village and then met with girls and then randomly selected and different age groups, different professions including mixed school and midwives medical director and assistant and a number of young men and women and the mayor of the village has been achieved scientific includes the name, residence and profession, tribe and mobile number and observations with three and eighty people of the categories mentioned.

Everyone said that there was no rape, but have had heard of it through the radio and said Dbnguet everyone that the language used by some of the testimonies of Radio Dabanga not dialects steady work. As everyone that Hussein said is just two kilometers from the village of Tabet since 2009, the date of the restoration of the area of the armed movements which have been occupied since the year 2003, everyone said that the soldiers intermarried with the people of the village about forty-three marriages of women in the village and the number four and three soldiers arrived with their families since and settled in the village and there is an automatic return of the displaced camps in Darfur (Aboushook - Zamzam, etc.) to the village of Tabet, which began experiencing stability development as model village .

The people in the village that this allegation is intended to disrupt development and stop back and thumb insecurity and instability.

We believe that Human Rights Watch 's allegations are baseless not supported by law evidence because it relied on hearsay and narrated data over the telephone as stated in the report, also relied on the translators through the literal translation and that these areas have different dialects phrases in different meanings and the region accommodate several dialects.

The report also adopted the analysis of only one researcher named by Radio Dabanga - and the release of this report in this time in particular, in this manner carries more significance Therefore, my organization believes the failure to adopt such report mislead public opinion and members of the council distinguished and contribute to ignite the fire of sedition for it reports unrealistic not corporate the fact that and did not serve the people of the region.

United Nations A/HRC/28/NGO/70

General Assembly

Distr.: General
20 February 2015

English and French only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the France Libertes : Fondation Danielle Mitterrand, Cultural Survival, Society for Threatened Peoples, non-governmental organizations in special consultative status, Survival International Ltd., non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03126 (E)
1503126

Please recycle

Spoliation of indigenous lands, source of human rights violations in Chittagong Hill Tracts (CHT), Bangladesh*

In Bangladesh, Chittagong Hill Tracts (CHT) is the territory in which eleven indigenous peoples, known as Jumma people, live. In this area, indigenous people's right to dispose of their lands and the principle of free consent in case of displacement from their habitual territories are not respected. This has led to the multiplication of land disputes. However, these rights are enshrined in the 1997 Peace Accord between the government of Bangladesh and the Parbattya Chattagram Jana Samity Sanhati (PCJSS), and in Convention 107 of the International Labour Organization (ILO) - Indigenous and Tribal Populations Convention, 1957, ratified by Bangladesh in 1972.

The issue of grabbing of Jumma lands has been reported at the highest level of the UN on several occasions. In the summary prepared for the Universal Periodic Review of Bangladesh in 2009 (A / HRC / WG.6 / 4 / BGD / 3), the High Commissioner for Human Rights indicate that "the Government grabs the lands of indigenous peoples and minorities is [*sic*] the State policy in Bangladesh and allows land grabbing by the mainstream Bengali populations who use different methods, including forging documents and forcibly ousting indigenous peoples from their lands." In 2011, the Special Rapporteur of the Permanent Forum on Indigenous Issues, Lars-Anders Baer (E / C.19 / 2011/6), pointed out that "Land is widely recognized as the most critical issue in the Chittagong Hill Tracts."

Yet in 1997, the CHT Peace Accord was intended to establish lasting peace and to promote the rights of indigenous peoples. It provided for land restitution to dispossessed populations and the establishment of a land commission. The commission, up until now paralyzed and inactive, has not solved the indigenous peoples' land problems. More than a third of returned refugees since the Accord have not been able to retake possession of their land. Over 90 000 displaced families are still waiting for the restitution of their property. "The fact that the Jumma people are denied their ancestral lands and are not compensated appropriately for land confiscated to them constitutes a flagrant violation of international law on human rights," said Andrew Erueti researcher on the rights of indigenous peoples for Amnesty International[1]. The decisions are centralized in the hands of the commission's Bengali president and are given largely to the detriment of Jummas. This has caused a gradual boycott of Jumma restitution claims. For example, of about 5,000 demands submitted to the office of the Khagrachari Land Commission, only 15% are made by Jummas.

The Government of Bangladesh also violates its international obligations, as it does not comply with articles 11 to 14 of ILO Convention 107 which relate to the land rights of indigenous peoples, as well as with article 12 on their rights to consultation. For example, in 2014 a project to build a university and a medical college in Rangamati led to the expropriation of Jumma families' land. The Regional Council had not been consulted, violating the CHT Peace Accord and ILO Convention 107.

These violations have resulted in violent land disputes. On December 16th 2014, about fifty houses and shops belonging to indigenous Jummas were burned and a Buddhist temple vandalized by Bengali settlers in the Baghaichari area in Rangamati district. On January 10th 2015, at the university's inauguration, clashes occurred between indigenous students from Pahari Chatra Parishad party who were organizing a peaceful blockade, and ruling party organizations. Later, despite the curfew, settlers attacked Jumma villages. The riots spread in different Rangamati neighborhoods. In total, 31 people were injured.

[1] Andrew Erueti, Pushed to the edge. Indigenous rights denied in Bangladesh Chittagong Hill Tracts, june 2013

Land grabbing mechanisms, which violate the CHT Peace Accord and the aforementioned articles of ILO Convention 107, are described and illustrated in a study produced in 2011 by the CHT Commission[2]:

-The Jumma people have always had a collective use of land, without having title deeds. Therefore, this use is not legitimate in the eyes of the government, which awards titles to Bengali peoples who settled there.

-The Bengali settlers, once installed, get help from the army in order to expand their land to non-"attributed" communal land and land around Buddhist monasteries.

-The Forest Department has acquired land through international donors for the development of intensive rubber, tea and wood for pulpwood, plantations etc. on ancestral lands upon which Jummas have long practiced "jum" (slash and burn) culture[3].

-Lands where indigenous peoples were living have been reclassified as "khas", i.e. state property on long-term rent to individuals or private companies.

-The security forces have illegally acquired land for the installation of barracks, military camps and training camps.

-Individuals and commercial interest groups despoil lands stolen from Jumma and Bengali people having permanent residency in CHT in order to install horticultural companies, or these lands are stolen and then sold to individuals, companies and NGOs.

-These spoliations are accompanied by attempts to corrupt village tribal head people. Practices such as falsification of official documents, fabricating false ownership certificates are common.[4]

These practices often receive the support of the police, army and administration to prevent any form of action against those that spoil the land. The Jumma people have limited access to police and justice and their rights are rarely recognized, which is in violation of article 26 of the International Covenant on Civil and Political Rights (ICCPR), to which Bangladesh acceded in 2000.

These practices are the result of a long history during which the Jumma people have been dispossessed of much of their land. They lost 3,500 km², one third of their territory, when the British colonial government created seven forest reserves in the late nineteenth century. In 1962, the Kaptai dam water resulted in 1,000 km² being submerged under water (40% of CHT's arable land). 60% of those who were dispossessed were neither compensated nor provided with alternative land. The government of Pakistan at the same time opened up the possibility for Bengalis to settle in the Hill Tracts. Bangladesh's government later (in the late 1970s) set up a secret plan to install Bengali settlers on indigenous lands. In the government's view, these indigenous lands belong to the state. The land was then taken over by new settlers under the watchful eyes of the army and at the expense of nearly 100,000 indigenous people.

From 1979 to 1985, between 200,000 and 450,000 Bengali Muslim migrants were settled in the Hill Tracts. According to official censuses, Bengalis (who were 7,000 in 1951) were 750,000 in 2011 (100 times more), while over the same period indigenous peoples increased from 270 000 to 845 000 (3 times more). Land pressure seriously threatens the agronomic and ecological balances.[5]

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[2] Mechanisms of land alienation of the Indigenous peoples of the Chittagong Hill Tracts. Shapan Adnan and Ranajit Dastidar, feb 2011

[3] UPR april /may 2013

[4] Statement A/HRC/WG.6/4/BGD/3

[5] Survival under threat : human rights ; situation of indigenous people in Bangladesh, director of publication Mr MongShanoo Chowdhury and Kapaeeng Foundation, August 2014

We call on the Human Rights Council to demand that the Government of Bangladesh:

• Approve the United Nations Declaration on the Rights of Indigenous Peoples,

• Ratify ILO Convention 169 according to its Sixth Five-Year Plan (2011-2015),

• Ratify the International Covenant on Civil and Political Rights,

• Observe Articles 11 to 14 of ILO Convention No. 107, ratified by Bangladesh in 1972,

• Implement without delay the 1997 CHT Peace Accord, including the return of land to indigenous peoples and the withdrawal of military camps,

• Involve indigenous peoples in any development project decision on CHT lands and provide for fair and necessary compensation for the use of land belonging to them,

• Create the conditions so that the Land Commission can work in a democratic and impartial way,

• Conduct impartial, independent and transparent trials against all human rights violations relating to land-grab of facts and ensure that the judicial system pursues the culprits, even if they are military, in order to put an end to the culture of impunity,

• Properly compensate families affected by the attacks of 16 December 2014.

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*International Council for the Indigenous Peoples of CHT ; La Voix des Jummas ; CHT-CC ; ICRA international ; Les Amis des Jummas, NGO without consultative status also share the views expressed in this statement.

United Nations A/HRC/28/NGO/71

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03171

1503171

Please recycle

Oil production destroys the livelihood of the people in Ogoniland, Nigeria

Petroleum was discovered in Ogoni at Bomu (Dere) in 1958; since then an estimated US 100 billion dollars worth of oil has been carted away from Ogoniland, Nigeria. In return for this, the Ogoni have no pipe-borne water, no electricity, very few roads, ill-equipped schools and hospitals and no industry whatsoever. Since 1985 the enviroment and with it the livelihood for about 500,000 Ogoni people have started to dissapear. Nowadays, the Ogoni countryside is no more a source of fresh air and green vegetation. It is the scene of one of the biggest oil desaster in the world. All around is death. Ogoni languages and Ogoni culture is dying. The Ogoni people, the animals and the fishes of the Ogoni are dying because of all the years of hazardous enviromental pollution and resulting food scarcity.

For a long time we have been working now for the rights of the peoples of Ogoniland, Nigeria and we are deeply concerned about the serious violation of huma rights, humatarian law and although envirometal law being preperated on the ground. The situation is getting worse in the last years.

Regarding their environment the Ogoni have no opportunity to live how they used to live for hundreds of years. Their livelihood based on fishing, hunting, farming and collecting has been destroyed. Also they lack education, health and other social facilities. It is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution.

The UNEP Report of Ogoniland (UNEP Enviromental Assesment of Ogoniland) and its recommendations were designed improve the situation in the state of the Nigerdelta. First released in August 2011, UNEP's Report was one of the most comprehensive assessement of its kind undertaken in the Niger Delta. The study found that oil contamination in Ogoniland is extensive, with pollution penetrating further and deeper than previously thought. This report shows the ecological, the medical and the social consequences of the oil production.

In addition to enacting emergency measures to combat immediate harm to communities from the pollution of drinking water, the report called for an initial funding of US$ 1 billion to implement an enviromental clean-up in Ogoniland. At the time of release, UNEP noted that the enviromental restoration of Ogoniland could prove to be the world most wide-ranging and long-term oil clean up exercices ever undertaken with a duration of about 30 years.

The UNEP Report and its implementation have been the key issue at the two day stakeholder meeting held in Geneva on 24-25 November 2014. The president of MOSOP, the Movement for the Survival of the Ogoni Peoples, Mr. Legborsi Saro Pyagbara, and a 16 member Ogoni delegation participated in the meetings.

Convened by Mrs. Diezani Alison Madueke, Nigeria's Minister of petroleum Ressources, and facilitated by UNEP the meeting should mark an important moment for the large-scale clean up in Ogoniland. In addition to UNEP, the UN Development Programm, the UN Office for Project Service, and the UN Institute for training and research were also present. This prosess should ensure that the voices of the Ogoni peoples, as well as the Government of Nigeria and oil companies have been heard.

To his disappointment Mr. Legborsi Saro Pyagbara disclosed on Wednesday, 28th January 2015, that all promises given by the government during the Geneva Talks have not been kept until now. The goverment's commitment to start in January 2015 with the clean-up on of Ogoniland hasn't yet been implemented. Mr. Pyagbara mentioned that he hasn't heard anything from the government since the meetings in November and that there exists no real plan how and when the government will start with the rehabilitation.

Since the publication of the UNEP report four years ago the situation on the ground has not really changed. According to other human rights organizations like Amnesty International or Friends of the Earth Nigeria only 3 of the 27 measures for the long term oil-clean up displayed in the UNEP Report have started.

The UNEP Report is the only report about the situation in Ogoniland composed by the UN who could be the basis for restoring the enviroment in Ogoniland. To achieve this goal the Nigerian authorities and the oil companies must take responsibility to carry out the UNEP recommendations.

Society for Threatened Peoples calls on the Human Rights Council to urge all responsible parties in Nigeria:

- The proposals of the UNEP Report to improve and to re-establish the livelihood in Ogoniland must be fulfilled
- The long-term oil clean up should start as quickly as possible
- The responsible parties like the oil companies and the Nigerian authorities must take up their responsibilities
- The Ogoni people should have a voice about the land use and the oil production; they demand political autonomy. Autonomy which will guarantee them certain basic rights essential to their survival as a people
- The right to the control and use of a fair proportion of Ogoni economic resources for Ogoni development

United Nations A/HRC/28/NGO/72

General Assembly

Distr.: General
24 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, Political, economic, social and cultural rights, Including the right to development

Written statement* submitted the Minbyun-Lawyers for a Democratic Society, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03460 (E)
1503460

Please recycle

The Human Rights Condition in the Republic of Korea

1. The human rights conditions in the Republic of Korea ("ROK") have been dramatically deteriorated over the last decade. In particular, the right to freedom of speech, peaceful assembly and association, the right to freedom of opinion and conscience, and the right to due process of law have been significantly infringed, for which Minbyun-Lawyers for a Democratic Society ("Minbyun") urges the Human rights Council to join in actions to improve the conditions.

Dissolution of a Political Party

2. On 19 December 2014 the Constitutional Court of ROK ("Court") ordered dissolution of the Unified Progressive Party ("UPP"), the second largest opposition party. The Court held that the UPP had sought to undermine the ROK's liberal democracy and were intent on pursuing the North Korea-style socialism. Ever since, the investigation agency has extended investigations over the individual members of the UPP for possible indictment.

3. However, the Court decision is in contravention to the guidelines on prohibition and dissolution of political parties and analogous measures of the Venice commission and is in violation of the right to freedom of association and speech. First, the UPP did not advocate the use of violence as a political means to overthrow the democratic constitutional order. Instead, the UPP promoted peaceful resolution between the Democratic People's Republic of Korea ("DPRK") and the ROK when incidents happened that posed a risk of undermining or undermined peace.

4. Second, the objectives or activities of the UPP cannot be identified with those of one or some of its members who, the government believes, are deemed to be a leading core or group of the UPP that was allegedly conspiring insurrection according to the Court decision. In fact, the UPP never authorized such activities. Plus, the Supreme Court of ROK held on 22 January 2015, two months after the Court ordered the dissolution of the UPP that a lawmaker Seok-gi LEE who the Court believes to be the head of the leading core is not guilty of conspiracy of insurrection to overthrow the government by forming an underground organization.

5. Third, the Court decision is not necessary in a democratic society. The trial for the Court-identified threat to democracy was at pending at the Supreme Court when the Court rendered the dissolution. There is no sufficient evidence that there was imminent threat or danger to the democratic constitutional order in the ROK. It means that there was less restrictive means to prevent such alleged danger, if any. In addition, the Court applied the principle of 'civil procedure' instead of that of 'criminal procedure' in determining the unconstitutionality of the UPP. It means that the government became less burdensome in proving the UPP's unconstitutionality. Also, less strict rules of evidence applied to the Court decision.

Infringement on Independence of Human Rights Lawyers

6. On 31 October 2014 the Prosecutors' Office submitted to the Korean Bar Association the application for commencement of the disciplinary action against seven Minbyun member lawyers. The government claimed in the applications that the lawyers violated a provision of professional ethics stipulated in Attorney-at-Law Act that prohibits the lawyers from damaging their dignity as attorney on and off duty when two lawyers are defending their clients and five lawyers participated in the assemblies and obstructed performance of the official duties.

7. First of all, however, one lawyer advised the client to plead the right to remain silent during the interrogation process in an effort to defend the best interest of a protestor who assaulted the police officer during the protest. Also, another lawyer advised to the client nothing related to the alleged fact that the lawyer advised the client a North Korean escapee to conceal the truth and make false statement. The truth is that the interrogation still focus almost solely on getting a confession from the accused and thus, the defense lawyer's advice to the accused to remain silence obstructs

the interrogation process to get that confession. Plus, the government has targeted the lawyer who has engaged in many high profile cases against fake espionage indictments as well as mistreatment that took place in the governmental detention facility particularly committing North Korean escapees.

8. Second, five lawyers were calling for the right of peaceful assembly to be guaranteed in front of the gate of the Deok-su Palace in Seoul since the police prohibited assemblies from taking place for no valid reasons despite the court decision and the recommendation of the National Human Rights Commission of Korea that allowed the assembly to be guaranteed in front of the gate. When the police officer interfered with the assembly by entering into the site in front of the gate and trying to argue with lawyers, the lawyers escorted the officer out of the site. At some point, the lawyers grabbed the shoulder and arms of the officer for which the prosecution claims that the lawyers violated the professional ethics. In fact, the site was used by the dismissed workers of Ssangyong Motors Company who wished to exercise their right to freedom of expression and the lawyers were hosting the assemblies in front of the gate of the Deok-su Palace in an effort to protect the right of such workers.

9. The Asian Human Rights Commission released the statement titled 'Reprisals against lawyers in a civilized society' to mention that "if the lawyers who advised the clients to exercise the right are subject to disciplinary actions by the Korean Bar Association, the practical effect would be to deprive the defendant of knowledge of his/her rights and to prevent him/her from exercising their rights at all."

10. There is serious concern that Minbyun lawyers are being targeted for their legitimate work as a lawyer. Acting in the best interest of their clients cannot be interpreted as infringement of professional ethics. This is in contravention to the ROK government's obligations under domestic and international law, particularly Article 16 of the United Nations Basic Principles on the Role of Lawyers, which states clearly that governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Human Rights Abuse based on the National Security Law

11. The UN Human Rights Committee recommended in the first country review in 1999 that the ROK government abolish the National Security Act ("Act"). The UN Special Rapporteurs also recommended its abolishment. So did the Amnesty International.

12. However, the number of people charged for violations of the Act simply for expressing their opinions has rapidly increased since 2008. 46 people were charged with violations of the Act in 2008, 57 in 2009, 97 in 2010, 90 in 2011, 112 in 2012, and 79 as of September 2013 according to the 2014 parliamentary inspection data submitted by the Ministry of Justice.

13. Recently, the government has punished the citizens for posting messages on-line sympathized with North Korea and retweeting them. There has been a case report that the prosecution arrested for investigation and indicted a person who followed the DPRK government on Twitter and retweeted. The government has used the Act to restrict the freedom of expression on- and off-line and to suppress the dissenters against it.

14. Furthermore, there has been increasing number of the espionage cases on the grounds of the Act against the North Korean escapees that turned out to be fabricated by the National Intelligence Service and/or the prosecution. The Woo-sung YU case and the Kang-chul HONG case are cases in point. The appeals in relation to such cases are at pending as of now.

Recommendation

15. Minbyun expresses grave concern about the situation of the human rights in the ROK and urges:

- The Human Rights Council to recommend the ROK government to implement duties and obligations under the international human rights treaties to which it has been the state party; and

- The Special Rapporteurs on the rights to freedom of peaceful assembly and of association, on the promotion and the protection of the right to freedom of opinion and expression, on the situation of the human rights defenders, and on the independence of judges and lawyers to pay special attention to the developments of situations in relation to the human rights issues as stated hereinabove.

United Nations A/HRC/28/NGO/73

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03178 (E)
1503178

Please recycle

Discrimination and Violence against indigenous women in Canada

Violence against missing and murdered indigenous women and young girls in Canada already created an atmosphere of mistrust and fear among the indigenous peoples towards police officers, who often react inappropriate to reports about harassment or missing persons among indigenous women or girls or even commit themselves acts of violence against indigenous women and girls. The numbers are alarmingly high. Despite the fact, that there is no lack of documentation of the gruesome facts, the government fails to react with the necessary urgency to put an end to this unbearable situation.

Organizations like the Native American Women Association of Canada (NWAC), Amnesty International Canada, Human Rights Watch and the grassroots organization Idle No More have collected and published data since many years. Well known are the inquiries in British Columbia, where reports about murders and disappearances of indigenous women and girls mainly come from along Highway 16, the so called Highway of Tears. But there are reports as well from cities like Winnipeg in Manitoba and other places all over Canada.

In 2014 alone reports of three major agencies were published: "Missing and Murdered Aboriginal Women: A National Operational Overview", published by the Royal Canadian Mounted Police (RCMP), "Invisible Women: A Call to Action. A Report on Missing and Murdered Indigenous Women in Canada" published by the Special Committee on Violence Against Indigenous Women in the House of Commons, and the Report of the Special Rapporteur on the rights of indigenous Peoples at the UN, James Anaya, on the "Situation of indigenous peoples in Canada". Another report by the Inter American Human Rights Commission was published in January 2015. They all give convincing proof of the grave situation of indigenous women and girls and provide with a number of recommendations; but nevertheless, there seem to be no effective measures taken yet on the side of the federal government to initiate a fundamental change of this situation.

Special rapporteur James Anaya called for a "comprehensive, nationwide inquiry into the issue of missing and murdered aboriginal women and girls, organized in consultation with indigenous peoples", (A/HRC/27/52/Add.2), that could provide an opportunity for the voices of the victims' families to be heard, deepen the understanding of the magnitude and systemic dimensions of the issue and identify best practices that could lead to an adequately coordinated response. Premier Stephen Harper on the other hand publicly declared that he does not regard a national inquiry into the subject being a necessity. To the victims' families this is a slap in their faces.

NAWC documented 582 cases of missing and murdered women between the 1960s and 2010, but 39 percent (or about 20 a year, one almost every second week) after the year 2000. The organization had to stop collecting data after a cut down of government funding in 2010, but published that same year the report "What their Stories tell us, Research findings from the Sisters in Spirit Initiative". RCMP-data even verify 1.017 cases of missed indigenous women and girls between 1980 and 2012; most victims were murdered and about 200 cases remained unsolved. While on average 83 percent of cases of all missing women in Canada were solved, this was only true for 53 percent of indigenous women's cases. And while only 4, 3 percent of the Canadian population are indigenous women, they amount to 11, 3 percent of the missing women.

There are many reports as well about police misconduct, abuse of indigenous women and girls, beatings, harassment, even rape and other sexual assault by police officers. Some of the victims are very young, only 15 or 17 years of age. Human Rights Watch ("Those who take us away, Abusive Policing and Failures of Indigenous Women and Girls in Northern British Columbia", Canada; 2013) even quotes two 12 year old girls, who reported of being tasered, pepper-sprayed or attacked with police dogs. Women and girls who were victims of this kind of treatment will always hesitate to ask police officers for help if help is needed, because there reigns an atmosphere of fear and distrust of indigenous women towards the police. Therefore, there is reason to believe that many cases of missing women and girls or police misconduct remain unreported.

Society for Threatened Peoples calls on the Human Rights Council to urge the Federal Government of Canada to follow the recommendations of the Special Rapporteur on the rights of indigenous Peoples at the UN, James Anaya, of Human Rights organizations like Human Rights Watch, Amnesty International or the Native American Women's Association of Canada and others without further delay:

- to initiate in cooperation with the indigenous communities affected a national inquiry on missing and murdered indigenous women and girls and on police misconduct
- to implement a national action plan with the leadership of indigenous communities that addresses the structural roots of the violence and the responsibilities of the government entities who are in charge of prevention and response to this violence
- to start programs for the training of police officers to counter racism and sexism in the treatment of women and girls (not only) in custody as well as for the improvement of police response to violence against indigenous women and girls and to guarantee that female indigenous persons are treated by female officers
- to provide adequate shelters and social services for indigenous victims of violence not only in urban areas but in rural areas as well and to guarantee sufficient funding for these structures

United Nations A/HRC/28/NGO/74

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03182 (E)

1503182

Please recycle

Human rights in Mali: Increasing violence and impunity in northern Mali

Since the launching of the European training mission EUTM Mali, two years ago, there has been no significant improvement of the security situation in Mali. In fact, the severe situation in the regions of Kidal, Gao and Timbuktu lasted for three years now and caused a flood of refugees. In January 2015, the UN Refugee Agency estimated 133,002 Malian refugees in Mali and its neighboring countries. Due to the latest violent incidents, they can't return to their home towns.

Within the very first 31 days of 2015, Society for Threatened Peoples has documented at least 17 attacks in the surroundings of Gao, Timbuktu and Kidal. These attacks, led by different armed groups that are active in northern Mali, resulted in the killing of more than 50 people; among them civilians, soldiers of the Malian army as well as of the MINUSMA. The hostilities between the Tuareg movement MNLA and the pro-government GATIA militia in the towns of Tabankort and Tessit jeopardize any attempts to achieve a durable peace settlement.

There is a blatant lack of protection for the civilian population in northern Mali. The Malian army is obviously overtaxed with the increasing attacks of the militant groups and can't guarantee the safety of the civilian population. In fact, the Fama, due to its defeat in May 2014 in Kidal, has abandoned its military bases in the North of Mali. As a consequence, the Malian soldiers lost their last bit of integrity. In the eyes of the Malian population the soldiers, whether they are soldiers of the Malian force, the MINUSMA or even of the French operation "Barkhane" are neither competent nor trustworthy.

The only groups gaining profit from this status quo are Islamist militant organizations like "Al-Qaeda in the Islamic Maghreb (AQIM)" or the "Movement for Unity and Jihad in West Africa (MUJWA)". The last four weeks show very clearly a rise in Islamic attacks. By now, jihadist groups use suicide attacks, mine laying or explosive devices and ambushes to fulfil their ambition which reveal a professionalization of their methods.

We are convinced that without the political will of the Government of Mali a long-term peace project is not likely. If the content of the previously failed peace agreements will be not evaluated and improved, new conflicts with the Tuareg and other ethnic groups in northern Mali are inevitable. Therefore, a thoroughly considered peace resolution is absolutely mandatory. Six months after launching the peace negotiations in Algeria there has been no reliable result. The last peace talks in November 2014 ended without any outcome. Therefore, a durable peace agreement is crucial for the repatriation of the Malian refugees.

During three years of fighting massive human rights violations have been committed by all conflict parties. Summary executions, rape and other forms of sexual violence, the recruitment of child soldiers, attacks on places of worship and protected cultural assets and the deliberate targeting of the civilian population have been documented by many human rights organizations. Even the International Criminal Court (ICC) has opened an investigation in serious crimes committed in Mali since January 2012. All persons responsible for these crimes should be brought to justice, in Mali or before the ICC.

An unknown number of Tuareg activists or presumed radical Islamist fighters have been arrested by French, Chadian or Malian security forces. The European Union has announced in January 2015 to provide 4 million Euro for the construction of a high-security prison in Mali for former Jihadist fighters. But there is a complete lack of information on the number of the arrested Islamists or other militiamen, their identities and the judicial procedure which has been launched. Nobody knows if a new Guantanamo-style detention center will be built in Sahara and how the presumed

Islamists will be brought to what justice. There is an urgent need for more transparency in the judicial process to end impunity in order to ensure that basic human rights of the accused will be respected.

The Human Rights Council should urge the Government of Mali and the international community:

- to ensure a better protection of the civilian population in northern Mali,
- to encourage and support the reconciliation between different ethnic groups in the conflict region,
- to urge all conflict parties to search for a peaceful political solution to the Tuareg-crisis,
- to guarantee more transparency in the judicial procedure to end impunity for massive crimes committed in northern Mali.

United Nations A/HRC/28/NGO/75

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03183 (E)
1503183

Please recycle

The situation of the Muslim minority in Central African Republic

Since September 2013 the situation of the Muslim minority in Central African Republic (CAR) rapidly has been deteriorating, after mostly Christian anti-Balaka-militias have started armed attacks targeting Muslim civilians in revenge for human rights violations of the Seleka forces. In the weeks before Transitional President and Seleka-leader Michel Djotodia resigned from office on January 10, 2014, anti-Balaka fighters attacked Muslim communities and villages. Small-scale displacements of Muslims occurred after these anti-Balaka attacks.

After the arrival of French troops in December 2013 an escalation of violence between Seleka fighters and anti-Balaka-forces could be prevented, but anti-Balaka fighters have used the presence of international armed forces and the disarmament of Seleka fighters to pursue their revenge attacks on Muslim civilians. These attacks against Muslims in numerous towns and villages continued after the new President Catherine Samba-Panza took office on January 23, 2014. The deliberate attacks have forced tens of thousands of Muslims in western and southern CAR to abandon their homes and to search for protection in bigger cities. But even in Bangui, Bouar, Paoua and Bossangoa there was no real protection for the traumatized Internal Displaced People.

Unfortunately even the international armed forces intervening in CAR have failed to provide adequate protection for the Muslim IDP. The small sized international peacekeeping units were overwhelmed by the escalation of violence. During weeks they were limited in their ability to show presence outside of the capital Bangui. Still today there is a desperate lack of protection of the civilian population outside of the capital. Therefore some 30,000 mostly Christian civilians have fled from the southern provinces of Ouaka and Basse-Kotto to neighboring Democratic Republic of Congo after fighting has escalated in January 2015 between Seleka and anti-Balaka militiamen.

Under the eyes of international peacekeepers and the CAR authorities anti-Balaka fighters pursued their revenge campaign against Muslim civilians. Despite calls of the Government of CAR Government and national religious institutions and leaders of all faiths to reunite and to overcome religious hatred, this campaign for religious tolerance has failed to show any remarkable progress. Some priests have shown incredible courage in offering protection to endangered Muslim civilians, but a general atmosphere of religious intolerance and hatred has led to many attacks against Muslim civilians who felt helpless and as second-class citizen without any meaningful protection. They are seeing no hope for a peaceful livelihood among the Christian majority population.

Therefore most Muslims have abandoned any hope to stay in their communities or to enjoy adequate protection in bigger cities and they are searching to find asylum in neighboring countries. Some 424.000 people living in CAR have been searching for protection in Cameroon, Chad, Democratic Republic of Congo and Congo, among them more than 100,000 Muslims.

We are deeply concerned about the fate of some 36,000 Muslims who still are trapped in seven Muslim enclaves in CAR (Bangui, Boda, Yaloké, Berbérati, Carnot, Bouar, Dekoa). The biggest of these enclaves are Bangui PK 5 with some 24,000 IDP and Boda with 9,000 IDP. Many of the displaced people are Peulh nomads who have a long history of migration between CAR, Chad and Cameroon. Others are merchantmen who had to abandon their shops due to threats and intimidation. This deliberate campaign of fear and social exclusion has led to a major breakdown of the CAR economy because Muslim shopkeepers had an imminent influence on the local economy. With greatest concern we had been following that CAR authorities have urged and forced international organizations and aid agencies to refrain from providing any support to IDP who are searching for protection in neighboring countries. By the use of force and blatant intimidation the IDP were prevented from leaving the enclaves and fleeing to neighboring countries.

It's one issue that CAR authorities were unable to provide adequate protection for the Muslim minority. The nationwide breakdown of public administration and law enforcement and the fear of an imminent genocide and of crimes against humanity certainly have contributed to a lack of capacity to ensure a sufficient protection for the minority. But it's a

different issue that CAR authorities today are unwilling to acknowledge this failure and to ensure that at least the remaining 36,000 Muslim minority people who want to search for more protection in abroad will get asylum and peaceful living conditions in neighboring countries. Every CAR citizen should have the right to freely move around in the country. Preventing heavily traumatized people from leaving IDP camps for political purposes is a violation of national and international law and a crime against humanity.

Society for Threatened Peoples calls on the Human Rights Council:

- to urge the Government of CAR to immediately ensure the free passage of all IDP who want to migrate to neighboring countries,

- to call on the international community to ensure a more efficient protection of the civilian population in CAR

- to press the Government of CAR to end impunity on massive human rights violations of Seleka and anti-Balaka fighters, especially in regard to the violence against the Muslim minority. The international community should provide more technical support to ensure that law enforcement, the justice system and public administration will be reestablished in rural areas,

- to urge the Government of CAR to concentrate on reconciliation between Muslims and Christians and to prepare a basis of understanding on all levels between the communities which might facilitate a return of Muslim refugees.

United Nations A/HRC/28/NGO/76

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Arab NGO Network for Development, non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03185 (E)
1503185

Please recycle

Deterioration of civil and political rights in Bahrain continues

From the last session of the Human Rights Council in September 2014, to the current 28th session, Bahrain witnessed further erosion of human rights and deterioration of civil society space and violation of Bahrain's human rights commitments and obligations in terms of freedom of expression and political practices.

For instance, the largest political and opposition party, Alwefaq which secured 62% of votes in the parliamentary elections of 2010, with 18 MPs out of 40 MPs of the House of Representative, has been denied repeatedly to hold its Conference and its political figures have been targeted. First Deputy Secretary General , Mr. Khalil Almarzooq, was arrested and charged with holding the flag of an illegitimate organization (Coalition of 14 February Youth), and propagating hatred against the state. He was held for a month in detention, and exposed to strenuous interrogation, prior to appearing before Minor Court, which released him on bail, but the prosecution was not dropped. The Head of Alwefaq Shura Council, Sayed Jamil Kadem, was also accused of tweeting information that adversely influence the election. The Secretary General, Sh. Ali Salman, was summoned to interrogation on 28 December 2014 have been interrogated repeatedly. During his trial on 28 January, the Court decided to adjourn the trial to 25.2.2015 and ordered the continued detention of Sh. Ali Salman.The other aspect of undermining legitimate political activities has been sanctioning licensed demonstrations and meeting for the last three months.

Moreover, while the recent UN resolution on civil society space[1] emphasized the problematic of domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society being misused to hinder the work of civil society, such practices in Bahrain remain. This requires the Council to closely follow the situation on the ground; given that foreign funding to independent organizations is restricted, and with the latest amendments on the law on Clubs and Society, dual membership of political organization and NGO, the dual membership of sport union and NGO, the membership of NGO Board and another NGO are denied.

Freedom of peaceful assembly continue to be violated as well through quelling protests with excessive force, deadly targeting protesters, arbitrary arrests without warrants, unfair trials with disproportionate penalties. Freedom of expression including those of social media has been restricted , where tweets lead to minimum 6 months imprisonment; given the cases of human rights activists such as Mr. Nabil Rajab, Nader Abdulemam and Ms. Ghada Jamshir, who were sentenced to imprisonment.

Bahraini Government's practices against the enjoyment of legitimate political and civil rights including freedom of association, freedom of expression, and freedom of belief have been closely monitored by the OHCHR and the UN Secretary General Ban Ki Moon as well, where the former noted that "opposition parties are fundamental pillars of any democracy and Sheikh Salman's arrest risks intensifying the fraugnt political scene that has seen anti-government protests for nearly four years[2]."

In this context, we call the UN Human Rights Council members to urge the Government of Bahrain to cooperate with the Office of the High Commissioner for Human Rights, the Special Rapporteurs on Torture, Human Rights Defenders and Freedom of Association and immediately implement the recommendations put forward during the country's Universal Periodic Review in 2012, as well as by the Bahrain Independent Commission of Inquiry in 2011, to ensure freedom of expression and assembly and to immediately release of all persons convicted or detained for merely exercising their fundamental rights to freedom of expression and assembly.

*Bahrain Human Rights Observatory (BHRO), NGO without consultative status also shares the views expressed in this statement.

[1] http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/27/L.24

[2] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15461&LangID=E

United Nations A/HRC/28/NGO/77

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the Society for Threatened Peoples, Anti-Slavery International, Minority Rights Group, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03186 (E)
1503186

Please recycle

Situation of Mauritanian Anti-slavery Human Rights Defenders

This is a joint Written Statement submitted by the following non-governmental organisations (NGO): the Society for Threatened Peoples, Anti-Slavery International, and Minority Rights Group International.

The listed NGOs are deeply concerned by the significant degradation of the situation in which Mauritanian human rights defenders are working, in particular those working on combatting slavery. There has been a major spike in arrests and imprisonments of anti-slavery human rights defenders in recent months.

The listed NGOs would therefore like to draw special attention to the arrest, trial and subsequent sentencing on 15 January 2015 of three anti-slavery human rights defenders in Mauritania to two years' imprisonment following a hasty, 3-week trial. We view the arrests and subsequent sentencing of these individuals as a violation of their rights to freedom of assembly and association, and freedom of expression.

Pre-Trial and Trial

2013 UN Human Rights Prize Laureate and 2014 Mauritanian Presidential Election runner up Biram Dah Abeid was arrested on 11 November alongside Brahim Ramdhane and Djiby Sow, and seven other human rights deffenders (who were later acquitted). A further seven are awaiting their own trials on separate dates. All belong to the anti-slavery NGO Initiative for the Resurgence of the Abolitionist Movement (IRA-Mauritanie) except Djiby Sow, who belongs to another human rights NGO, called Kawtal.

The three individuals were sentenced on charges of "racism", "working in an unauthorised organisation", "violating public order", "inciting violence" and "offending the authorities".

Since their sentencing, the three convicted individuals have been sent to the largest prison in Mauritania, situated in the southern-centre of the country, some 260km from Nouakchott, in the sparsely-populated Aleg. This is reportedly one of Mauritania's most notorious and dangerous prisons with frequent unrest due to the conditions of detention (e.g., being "brutally" woken in the night, inadequate healthcare, and denials thereof). Neither their families, nor their lawyers or colleagues were informed of this transfer. Partners and lawyers have however been granted visits since.

The three anti-slavery activists have been kept in detention since their arrest on 11 November 2014, in substandard conditions of detention, according to information received from the prison. The poor conditions of detentions in Mauritanian jails, in term of health, sanitation, over-crowdedness and poor air ventilation, are widely documented, and have been confirmed by a UN fact-finding mission in 2014.[1]

In this regard, a 12 December 2014 press release by the UN High Commissioner for Human Rights regarding its preliminary fact-finding mission noted that, "in general, the conditions of detention in the places that were visited do not comply with the minimum international standards, most particularly the detention units and their ventilation."

Background of the Incident

At the time of their arrest, the human rights defenders had been undertaking a roving movement called *La Caravane Contre l'Esclavage*, in which the participants moved from location to location arranging various forms of peaceful protests, sit-ins and awareness-raising activities to highlight the problems of modern day slavery in Mauritania.

1 http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=15414&LangID=F

Mauritania routinely ranks among the states in the world where the prevalence of slavery is the highest. With between 4 percent and 20 percent – depending estimations – of its 3.8 million population in slavery, Mauritania's judiciary has only prosecuted one slave owner for the crime of slavery since the 2007 anti-slavery law was passed.

Mr Abeid and his colleagues were therefore seeking to empower marginalised communities to know and defend their rights through awareness-raising. They aimed to challenge the societal status quo in which the Arabo-Berber ethnic group – the traditional slave-owning class - accounting for around 20-25 percent of the Mauritanian population - hold most positions of power; in the police, judiciary, politics, religion and education.

The UN Special Rapporteur on Contemporary Forms of Slavery noted after her 2014 country visit that the 2007 Anti-Slavery law relies solely upon the police and judiciary, who "have shown a reluctance to follow up on allegations of slavery-like practices, with most cases being closed without any proper investigation", and that "the burden of proof lies on the victim".

Previous Reprisals against Mauritanian Human Rights Defenders

IRA-Mauritanie has been particularly targeted on numerous occasions in the past, and especially its President, Mr Abeid. He has been frequently arrested, harassed and subjected to reprisals, including smear campaigns.

Having a widely recognised important role in the fight against slavery in Mauritania, Mr Abeid previously held a position on the Mauritanian National Human Rights Commission. He was subsequently removed from this position allegedly for his outspokenness on the failure of the government to tackle contemporary forms of slavery.

Despite repeated attempts to legally register the organisation, IRA-Mauritanie is also constantly denied the right to operate legally in Mauritania by the authorities in spite of widespread international recognition – including by the listed NGOs herein - for the important and successful role that it is playing in the fight for the eradication of slavery in Mauritania. In this latest incident, IRA-Mauritanie's office has been closed since 13 November 2014.

Major Concerns of the Conditions of Human Rights Defenders

With the information contained here in mind, the listed NGOs express their deep concern about the widespread ramifications of these sentences. We are concerned about its repercussions not only on combatting slavery in Mauritania, but also the international anti-slavery movement if these sentences are upheld. NGOs play a vital role in combatting slavery, and must be empowered to act freely within the confines of international law in that regard.

The listed NGOs further note their dismay that the master convicted of owning slaves received the same sentence as these three anti-slavery human rights defenders did for seeking to eradicate slavery. It is a substantial step backwards to eradicating slavery when more anti-slavery human rights defenders are in prison, than slave owners. It is moreover striking that there has only been a paltry, single conviction under the 2007 Anti-Slavery Law – the first piece of legislation criminalising slavery in Mauritania – for possessing someone as a slave, who was released after only four months. Indeed, he was granted bail pending his appeal hearing in 2012, but this has never taken place. The human rights defenders have also appealed against their sentence and were denied bail.

Sources have also noted to the media that the gendarmes arrested the defendants on the orders of the Wali (Governor) of Rosso. Under Mauritanian law, it is for the Prosecutor – not the Wali - to order an arrest, but in this case, it was indicated that the request came after their arrest. The police also changed the primary accusation of "disturbing public order" following the arrest to *attroupement*, which carries a considerably larger sentence.

There are reasons to believe that the defendants were not granted a fair trial. There was only a period of 3 months between the defendants' arrests and their convictions, which has not given their lawyers sufficient time to build their defence.

The listed-NGOs are also concerned that the charges and subsequent sentencing violate the rights to freedom of assembly and of association. The Mauritanian authorities have failed to substantiate their objections against the *Caravane* protest in which the defendants were engaging.

We strongly condemn the charges of an "unauthorised assembly" levelled against the defendants carrying equal weight to that of possessing slaves, a crime that has only amounted to a single conviction since slavery became criminalised, despite extensive evidence indicating its widespread practice. We therefore do not consider the sentences as proportionate, nor warrant a prison sentence.

Finally, various media articles reported that people protesting against the verdict were beaten with batons and sprayed with teargas.

Recommendations

In view of the information on this situation contained herein, the listed NGOs would like to recommend that:

1. The Human Rights Council (HRC) and its members remind the Islamic Republic of Mauritania of its obligations to uphold international law as it relates to the rights of human rights defenders and to combatting slavery;
2. The HRC expresses its concern regarding the cases of detentions mentioned in this statement and urge the Mauritanian government to investigate the situation, rectify wrong-doings and provide reparations where appropriate;
3. The HRC reaffirms its recognition of the important role NGOs play in combatting the continued practice of slavery, and that their right to freely assemble and associate peacefully to exercise their right to freedom of expression is non-derogable;
4. The Mauritanian Government steps up efforts to eradicate the continued practice of slavery through fostering a healthy environment in which NGOs may work, including seeking international guidance, working in collaboration with both international and national NGOs, and training of law enforcement and the judiciary;
5. The HRC and its members continue to watch closely the developments of this case in the coming months;
6. The Mauritanian government extends an open invitation to the UN Special Rapporteur on Human Rights Defenders.
7. The Mauritanian government undertakes extensive action to render the 2007 Anti-Slavery Law more robust and effective in its application so as to ensure justice for slavery victims and the end of impunity for slave owners.

United Nations A/HRC/28/NGO/78

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03188 (E)
1503188

Please recycle

INDIA: Criminal justice reforms elementary to control violence against women

After the infamous New Delhi rape case of 2012, and other cases of gender based violence subsequently reported by the media, the Government of India initiated a series of measures to curb violence against women. The government's initiatives have, however, been limited to sensitising communities and instructing the local police to register complaints upon receipt. Amendments were made in 2013 to the Indian Penal Code 1860, The Code of Criminal Procedure 1973, The Indian Evidence Act 1872, and to The Protection of Children from Sexual Offenses Act, 2012. However, none of these steps has reduced the number of sexual offenses committed against women in India.

The Asian Legal Resource Centre (ALRC) is of the opinion that the root cause of the problem lies in the dysfunctional criminal justice machinery in the country. While some of the initiatives taken by the government have been welcome, only if the government is willing to fix the dysfunctional criminal justice machinery can there be effective reduction in crime against women in India.

Justice J.S. Verma, former Chief Justice of India, shares this opinion. In his report to the government, filed in the capacity of the Chairperson of the Judicial Committee appointed by the Government of India, in the wake of the 2012 New Delhi rape case, Justice Verma has stated that "...the root cause behind sexual assault upon women is a failed criminal justice process, particularly the police and delay in prosecutions."

It is this reformation of the criminal justice institutional framework in India that no government has prioritised. The Indian police are notorious for corruption, nepotism, and for the use of brute force to extract confessions and bribes. Scientific crime investigation, if at all carried out, is limited to high-profile cases involving the politically powerful or financially rich. Merit is not observed in recruitment or promotion of officers. Instead, from constable to inspector general, illegal nexus between the officer and politicians draw career graphs. The police force lacks morale, direction, and discipline.

The police in India represent fear and ineptitude. However, it is this very force that victims of sexual abuse have to depend upon for lodging a complaint and further for investigation. It is the same police that file the investigation report in court, based on which a criminal trial takes place. With a flawed investigation, there is not much a prosecutor and a judge can do to serve justice. The inability of the Judiciary to complete trials within a reasonable time only adds to the problem. A failed investigation and a decade long trial not only render the initial complaint meaningless, but also make a mockery of the justice process.

It is this failed criminal justice system that must be re-engineered to end the inferred impunity to the criminal that India's criminal justice process guarantees today. The ALRC urges the UN Human Rights Council to engage with the Government of India to encourage the government to thoroughly review and reform its criminal justice process.

United Nations A/HRC/28/NGO/79

General Assembly

Distr.: General
24 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Al-Khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03433 (E)
1503433

Please recycle

The Rise of Shiaphobia

Overview

The Al-Khoei Foundation would like to bring the Council's attention to the rise of a dangerous phenomenon known as Shiaphobia. This can be defined as the prejudice against or hatred of Shia Muslims based on their religious belief and heritage. Although this phenomenon has been largely confined to religious zealots, it has now become a global occurrence.

Symptoms range from banning the practice of faith, attacking followers; suicide killings, the systematic destruction of their places of worship and hate speech in sermons, satellite broadcasts and social media. Most worryingly, it is not limited to terrorist groups and fringe cells; rather it has become a common phenomenon in certain countries and has the support and backing of some States. They often fund and promote this ideology and discriminate against their Shia citizens in employment, education, and civil and political rights and on some occasions, put legislations in place to ban the practice of Shia Islam.

We have seen the global impact in places as far apart as Nigeria, Bahrain, Saudi Arabia, Pakistan, Belgium, Egypt, Libya, Australia, Iraq and Syria. Most of these attacks escape international attention but when covered, it is often presented in light of sectarian conflict, rather than the outcome of the extremist ideology that sees the Shia Muslims as a legitimate target. A recent report by Agence France Press has highlighted the rise of this global phenomenon. [1]

The First Key Cause – Fundamentalism

Shiaphobia is caused by two main factors. The first is the rise of extremist reformulated ideologies that terrorize almost all ethnic and religious sub-groups of Islam, but Shias in particular. The second is the rise of political Shiaphobia, which may be caused by governments' geopolitical concerns.

The fundamentalist ideology associated with ISIL, Al-Qaeda, Boko Haram, and similar groups asserts a moral and religious superiority to all other ideologies, and causes a complete unwillingness to countenance alternative ideas. This standpoint, in their eyes, legitimises heinous crimes committed on the basis of religious or ethnic differences. Such views find no basis in mainstream Islamic scholarship or thought but they have spread since the rise of Oil Prices in the last 4 decades. This rise has been aided by a sophisticated social media strategy alongside preachers who appear on satellite television channels. As a consequence, extremist violence towards Shias and other minorities such as the Christians, Sufi's, Ahmadi's and others have increased in parallel to the rise of extremist militant groups who uphold the ideology of hate in their teachings. Foremost in ISIL's publications, visual media and public statements is the ideological goal of eliminating all religions and sects that are considered "apostates" or enemies of Islam. They have terrorized and killed minorities such as Shias, Sufis, Christians, Yezidis and others and have subjected women to sexual violence and slavery. Despite the international military coalition strategy to confront ISIL, no serious effort have been made to dismantle ISIL's online operations and neutralise its network of recruiters who target Muslim communities and disaffected youths in cities across America, Europe, North Africa and the Middle East.

In the words of Andrew Hammond, a Middle East analyst at the European Council on Foreign Relations, "I definitely think we're seeing a wave of anti-Shiite bigotry... which would not have happened before."

In 2003 there were over 214 attacks in Pakistan, with more than 400 Shias killed in a series of attacks.[2] Most of these attacks have been carried out in Shia mosques. The most recent one on 13th February 2015 in Peshawar, consisted of Taliban gunmen storming a Shia mosque during the Friday prayer, killing up to 20 individuals and injuring over 45.[3] The Hazara community in Pakistan have specifically been targeted and subjected to many suicide bombing and targeted

[1] http://www.digitaljournal.com/news/world/shiites-in-fear-as-deadly-bigotry-spreads-to-new-shores/article/415221
[2] http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper
[3] http://abcnews.go.com/International/wireStory/blast-shiite-muslim-mosque-northwest-pakistan-kills-28940108

killings by extremists.[4] A report in June 2014 by Human Rights Watch also highlighted the atrocities being faced by the Shia Hazara in Balochistan, Pakistan.[5]

In Saudi Arabia, Shiaphobia is both a community and government phenomenon. According to the 2013 International Freedom Report, "the public practice of any religion other than Islam is prohibited; freedom of religion is neither recognized nor protected under the law. Shia and other Muslims who did not adhere to the government's interpretation of Islam faced discrimination."[6] Several anti-Shia attacks have occurred. For example, on 3rd November 2014[7], unidentified gunmen opened fire on a group of Shia men in the village of al-Dalwa, in Saudi Arabia's Eastern Province. This attack killed at least seven and wounded dozens as they left their local mosques after commemorating Ashura, a Shia religious ceremony. Saudi Arabia has also sentenced Shia activists to the death penalty. [8]"All the Saudi Shia want is for their government to respect their identity and treat them equally," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. "Yet Saudi authorities routinely treat these people with scorn and suspicion."[9]

In Nigeria, in another example of rising Shiaphobia, a suicide bomber at a Shia religious ceremony killed at least 15 people in a town in Potiskum.[10]

In June 2013,[11] the small village of Zawyat Abu Musalam, in Giza, Egypt, where 40 Shia families are residing was viciously attacked by extremists who burned five houses and lynched four Shias, including a prominent local figure, Sheikh Hassan Shehata.

In Benghazi, the capital of eastern Libya, a jihadi group uploaded a video of the execution of an Iraqi professor who admitted to being a Shia.[12]

Suicide bombings are a regular occurrence in Iraq, resulting in thousands of deaths and civilian casualties. Such attacks tend to occur mostly in Shia dominated areas. In June 2014, an attack near an old American base called Camp Speicher in Tikrit, separated 1700 Shias from a group of Cadets and executed them, is a horrific attack which remains unaddressed.[13]

Australia also experienced an anti-Shia attack where a religious community figure, Rasoul Al Musawi was shot in the face, an incident reported to have been motivated by sectarian tensions.[14]

On 13th March 2013, a Shia Imam in Belgium was murdered after the mosque was firebombed. According to reports, the 46-year-old imam perished from smoke inhalation in the Rida mosque in the suburb of Anderlecht, Brussels.[15]

In the United Kingdom, five men have been found guilty of assault and have been sentenced to Prison after a protest in 2013 which consisted of attacks against Shia Muslims on Edgeware road. [16]

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[4] http://www.foreignpolicyjournal.com/2015/01/09/stemming-shia-hazara-killings-in-the-islamic-state-era/
[5] http://www.hrw.org/sites/default/files/reports/pakistan0614_ForUplaod.pdf
[6] http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper
[7] http://www.hrw.org/news/2014/11/06/dispatches-killings-saudi-shia-wakeup-call
[8] http://www.amnesty.org/en/news/saudi-arabia-appalling-death-sentence-against-shi-cleric-must-be-quashed-2014-10-15
[9] http://www.hrw.org/news/2009/09/02/saudi-arabia-treat-shia-equally
[10] http://www.bbc.co.uk/news/world-africa-29882218
[11] http://www.hrw.org/news/2013/06/27/egypt-lynching-shia-follows-months-hate-speech
[12] http://www.independent.co.uk/voices/comment/sunni-monarchs-back-youtube-hate-preachers-antishia-propaganda-threatens-a-sectarian-civil-war-which-will-engulf-the-entire-muslim-world-9028538.html
[13] http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/10902135/US-condemns-ISIS-mass-execution-as-White-House-signals-Iran-cooperation-on-Iraq.html
[14] http://www.dailymail.co.uk/news/article-2818192/ISIS-live-forever-ll-kill-Terror-link-early-morning-drive-shooting-outside-Islamic-prayer-centre.html
[15] http://www.bbc.co.uk/news/world-europe-17346927

The Second Cause – Politics

The second key cause has been the growing concern of Middle East governments about Shia Islam. With a population of around 200 million globally, the majority in Bahrain, Iran and Iraq, the Shia population has been a forgotten population in the Arab Spring. Bahraini activists were brutally silenced by their government, whilst Shias in Malaysia are imprisoned for peacefully practicing their religion. It is beyond the scope of our submission to speculate as to why this is the case. However, there is a clear trend which was not present even half a decade ago. Three key examples stand out. It should be noted that the actors are above all, governments.

In Indonesia, the ' Anti Shia Alliance" was held for the first time earlier last year, calling for "jihad", violence and sectarian purging against Shi'a Muslims. The convention resulted in an anti-Shi'a declaration, which included measures to maximize the prevention of the proliferation of "heretical" teachings by Shi'a Muslim followers, and demands made to the Indonesian government to ban Shi'a Islam.

A ban on Shi'a Islam is currently enforced in 11 out of the 14 States in Malaysia, originating from a fatwa that was released in 1996, by the Fatwa Committee of the National Council for Islamic Affairs. This ban on Shia's contravenes Article 18 of the Universal Declaration of Human Rights (1948), the ASEAN Human Rights Declaration (2012), the Islamabad Declaration (2007), the Amman Message (2004), the International Bill of Human Rights and the Federal Constitution of Malaysia. Thus only the Sunni sect is permitted, denying followers of Shi'a Islam and other sects freedoms that are guaranteed in the Malaysian constitution. Earlier this year, the *Borneo Post* released an article expressing the need to deal with adherents of Shi'a Islam aggressively; it accused the Shias of distortion. (Borneo Post, 2013)

In Bahrain, a total of 45 religious sites, including historic mosques and shrines, have been demolished totally, damaged partially, or vandalized during the government's GCC-assisted military crackdown, aimed at quelling an anti-government protest movement, which emerged on February 14, 2011. A comprehensive report by the *Ja'afari Awqaf Administration,* a body that falls under the jurisdiction of the Bahrain Ministry of Justice and Islamic Affairs, shows the majority of religious sites were razed to the ground, and that incidents of vandalism included arson attacks and the tampering and destruction of property. Damaged or destroyed sites include mosques, maatams (communal religious centers), shrines, and graveyards. The report is supported by legal documentation that contradicts the government's claim that all of the destroyed religious sites were built illegally. The first section of the seventh chapter in the Bahrain Independent Commission of Inquiry, chaired by Mahmood Sharif Bassiouni, from paragraph 1306 to 1336 found that the authorities in the Kingdom of Bahrain have attacked a large number of Shia places of worship. It should be noted that the ruling family does not belong to this sect.

Casualties and Effects – Displaced people

According to the IOM, more than 1.3 million Iraqis have been confirmed displaced in 2014, in three distinct displacement waves 1) those displaced from the Anbar conflict starting in early January, 2) the Mosul conflict, which began in early June and 3) the Sinjar crisis in which began on 4 August. While many Iraqis have found their way to displacement camps, many are living in schools, mosques, and churches and unfinished buildings.

In Iraq, smaller religious communities, such as the Shia Turkmen, Feyli Kurds, Shabak and Kakais, which are generations old, are now targets in ISIL controlled areas and see little prospect of being able to return home. During a recent visit in October 2014 to Iraq by the Al Khoei Foundation, the three "Atabas" (the religious Shrine officials of Imam Ali, Imam Hussein and Imam Abbas) confirmed that they were providing support to an estimated 200,000 displaced Shia Turkmen. The advance of ISIL forced hundreds of thousands of Shia Turkmen to flee from their homes; they faced the prospect of execution, rape and imprisonment if they remained. They have been specifically targeted

[16] http://www.dailymail.co.uk/news/article-2662726/Radical-Sunni-Islamists-face-jail-attack-group-Shiites-case-Muslim-sectarian-violence-Britain.html

because of their religious beliefs and because they inhabit areas in the north and west of Iraq which ISIL wish to incorporate into their self-declared caliphate.

Recommendations.

The Al-Khoei Foundation strongly urges the Council:

- To address the issue of Shiaphobia wherever it is present,
- To urge Member States to dismantle the social media network of ISIL, Al-Qaeda, and similarorganizations, in order to prevent the further spread of their ideology,
- To encourage Member States from mistreating their Shia citizens as part of their geopolitical concerns,
- To demand educational reforms in the aforementioned countries to encourage freedom of religion and though, plurality, respect of religious traditions and minorities and refraining from using teaching material for preaching hate and discord,
- To implement mechanism in order to hold non-state actors accountable for their crimes,
- To develop international instruments in finding appropriate mechanism to protect sacred and heritage sites across the globe,
- To share good practices wherever they exist,
- To encourage conditions for the promotion of their identities.

We call on all Council members to promote equal protections for Shias and other religious minorities under the law, and to combat impunity for targeted violence around the world.

Thank you

United Nations A/HRC/28/NGO/80

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Eastern Sudan Women Development Organization, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03189 (E)
1503189

Please recycle

The Impact of the Unilateral Coercive Measures on Sudanese Health Situation

The Sudanese Civil Society Organizations have been monitoring with great concern the raised unilateral coercive measures imposed by the US government since 1988 on Sudan. The sanctions being renewed annually resulted in depriving Sudan of foreign aid in application of US laws.

By imposition of such unilateral coercive measures the Sudanese people have been affected in all sectors such as banks, software, transportation, railway, education, aviation, agriculture, livestock, industry, economy, with particular negative impact on health that affected a lot of peaople, especially women, children and the elderly.

The negative economic sanctions manifested in the health sector, especially on the pharmaceutical sector with great negative impact on the import of a private life-saving drugs. Management and research related to diseases in general and tropical diseases in particular is therefore considered to be the most serious impact of unilateral coercive measures with particular emphasis on community health, affecting humble Sudanese citizen.

The negative impact in the areas of international cooperation i.e. technical support, training and capacity building as well as transfer of modern technology were also noticed with great concern.

Based on the reports of the World Health Organization for the years 2003 -2006 about 62% parts centers, 51% basic health services, 30% of clinics and 71% of health centers were severely affected by such unilateral coercive measures. As a result World Health Organization report pointed out that the general level of health in Sudan lies below the average of the health situation in the Middle East and North Africa.

The funding and technical support accomplished in collaboration with the Michigan University Research was discontinued in 1994 because of the US embargo, a matter which reflected negatively on malaria research (more prevalent in Sudan). The disabling of working unit of Medical Parasitology and Laboratory of Tropical Medicine especially for leishmaniasis, and schistosomiasis has weighed unilateral coercive measures on advanced diagnostics projects for Disease Control. The disruption of modern scientific research projects and the inability to obtain materials and research aids has led to the proliferation and worsening of tropical diseases.

Economic sanctions also manifested negatively on the elements of the health services system of infrastructure, sanitation and low health units care preliminary compared with population growth as well as the lack of modern medical equipment, materials and laboratory fluids as well as ambulances which transport patients and equipment.

We as Sudanese Civil Society express our deep concern about the deteriorating health situation in Sudan as a result of negative impact of economic sanctions. In fact, The unilateral coercive measures have prevented the delivery of all US medical equipment including computer programs and special components that relate to modern medical diagnostic techniques. As a result, the poor patients especially the elderly, women and children were seriously affected.

In order to preserve the lives of many patients, especially women and children, we hereby raise our voice and we call upon the International community as well as the Human Rights Council to draw especial attention on the serious impact of unilateral economic impact on the Sudanese people with special emphasis on the following concerns:

• We call upon Human Rights Council in particular and the international community at large to provide needed assistance and take the necessary decisions to end unilateral coercive measure on Sudan being an unfair to the people of Sudan, as well as, a clear violation of human rights.

• Appreciate the efforts of the Human Rights Council and its relevant resolutions on human rights and unilateral coercive measures, and in particular the decision 27 / L2 appointed Special thematic Rapporteur mandated to address and manage the negative effects of these measures.

• We call upon Human Rights Council to continue its genuine efforts to appoint the special Rapporteur in order to cooperate with the people of the affected country to manage damage caused by the imposition of these sanctions.

• We call upon the UN Secretary General and the High Commissioner for Human Rights to provide financial and logistical support for this decision to be applied and enable the special Rapporteur to undertake and accomplish his mission.

United Nations A/HRC/28/NGO/81

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03196 (E)
1503196

Please recycle

Advisory Committee of the Human Rights Council presents study on the situation of human rights of persons living with albinism

Society for Threatened Peoples is welcoming the study of the Advisory Committee of the Human Rights Council on the situation of human rights of persons living with albinism which will be presented to the 28th session of the Human Rights Council. Despite the fact that there is a massive lack of data and background on the livelihood of persons with albinism around the world, it's a ground breaking initiative to present for the first time a comprehensive report to the Human Rights Council on the challenges persons with albinism (PWA) are facing around the world. Before in September 2013, the High Commissioner for Human Rights had delivered a report on human rights violations against PWA. Both initiatives were extremely important and helpful to create more awareness regarding the difficult situation of PWA around the world.

The lack of valuable information on the plight of PWA constitutes one the most important challenges for new initiatives to facilitate life for PWA. Even in very much industrialized countries with an effective education system, the knowledge on the challenges PWA are confronting is extremely limited. Ignorance and disinformation are prevailing. The origin of albinism and the high vulnerability to sun and bright light, the limited eye view and the high risk to attract skin cancer are mostly unknown in broader public. Therefore information -, education - and awareness-raising campaigns would be very helpful in all countries. Having in mind that the percentage of PWA in African countries is much more important than on other continents international development cooperation with African states should include education- and awareness-raising campaigns on PWA in rural areas.

Documenting the plight of PWA who are suffering from discrimination, social exclusion, insecurity and threats should be a pre-condition for more international efforts to create more respect and a better understanding of the problems of PWA and will enhance international cooperation and support for PWA. The United Nations Human Rights Council should play a leading role in the promotion of the rights of PWA.

Until today the Human Rights Council, the Independent Experts and the Office of the High Commissioner for Human Rights were unable to fulfill this leading role because these institutions were unable to create meaningful mechanisms and structures to care about the PWA issue. There is an urgent need to decide upon a dedicated mechanism to promote the rights of PWA on behalf of the United Nations. Unfortunately the mandates of most Special Rapporteurs of the Human Rights Council are not covering the PWA issue. Neither the Rapporteur on "Minorities", nor those covering "Violence against Women, Health, Racism, Poverty, Education and Torture issues" had shown special attention to the challenges and plight of PWA. Therefore there is an urgent need to create a new mandate for a Special Rapporteur on PWA or to red-define the existing mandates of Special Rapporteurs in order to create an efficient mechanism in the Human Rights Council to address the problems of PWA.

The Human Rights Council should:

- urge the international community to address the problems of PWA and to enhance cooperation in order to fight against impunity for abductions and murders of PWA,
- call on the international community to include education and awareness-raising programs on PWA in their development cooperation especially with African states,
- create a new mandate for a Special Rapporteur on PWA or re-define the mandates of the existing Special Rapporteurs in order to create an efficient mechanism in the Human Rights Council to address the issues of PWA.

United Nations A/HRC/28/NGO/82

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03241 (E)
1503241

Please recycle

BANGLADESH: Government promotes extrajudicial executions to silence political dissent

The Asian Legal Resource Centre (ALRC) requests the UN Human Rights Council to pay attention to the ongoing pattern of gross human rights violations in Bangladesh. The government of Bangladesh is promoting extrajudicial executions and declaring impunity for the perpetrators in public amidst the political crisis that centres on peaceful and credible handover of power.

Bangladesh's citizens are being forced to pay the price with blood for the country's continuing dictatorial system, introduced in 1975 in presidential form in the Constitution; the same dictatorial power was bestowed to the Prime Minister in 1991. This continuing legacy, coupled with a flawed electoral system, is the structural reason behind the bloodshed on the streets today.

The resultant power structure has defeated the people's aspiration to create a nation that guarantees equality, human dignity, and social justice—the fundamental principles of the War of Independence in 1971. The nation does not have an accessible democratic system. Credibility and competence of the rule of law institutions never became a priority of those that have held power. "Election" only returned to the people as a festive occasion, although the people have only been able to participate in an unfair electoral system, which appears to be superficially fair to those unfamiliar with reality or those disinterested in looking beyond what is officially displayed. The existing flawed electoral system only leaves room for the people to believe that they are "king-makers" once every five years.

In Bangladesh, "winner takes all" has remained the political practice in management of the state apparatus. As a result, the losers not only lose everything; their very existence comes into question. Such practices drive away the opposition; law-enforcement agencies use torture and fabricated cases against the opposition and the Judiciary renders its "service" by detaining and wrongfully convicting the detainees, for the benefit of the ruling minority. This is why political parties never want to lose power. It explains why political parties in Bangladesh invest their utmost effort, violent and non-violent, legal and illegal, to seize and retain power. The cycle of bloody battles for retaining or seizing power will keep repeating every five years if the so-called "electoral democracy" of Bangladesh remains in place in any form as a means of handing over power, and if the military does not take over.

Curtailing the basic freedom of political dissent has been the norm of successive governments through the history of Bangladesh. In order to deprive the opposition fundamental rights, the government imposes declared and undeclared censorship on the press. Such a position by each successive government has consistently given an ever-extending licence to the police and the intelligence agencies to abuse power by all means. The concept of separation of powers has neither been promoted nor been adequately understood by relevant parties, institutions, and professionals. As a result, the life, livelihoods, and liberties of ordinary people has been rendered vulnerable to the vagaries of unjust action by those in control of state machinery and by opposition forces hoping to wrest power.

Overwhelming politicised recruitment in law enforcement agencies, in all branches of the Judiciary, military and paramilitary forces, intelligence agencies, Election Commission, and civil bureaucracy have entangled public life in Bangladesh with inconceivable harassment and relentless repression. The subjugated institutions have learned to serve the ruling elites of the day allowing them to gain undeserved wealth, power, and privilege at the cost the vast majority of the people.

The State nourishes a torturous and coercive law enforcement system. The Judiciary accommodates this system to survive as "servants of the government" instead of emerging as a competent independent institution to administer justice objectively. Both are connected with each other in a circle drawn by the executive political authority, to maintain the status quo and retain power.

In June 2011, the government created a political crisis through the 15th Amendment to the Constitution. This Amendment repealed the 13th Amendment, which had established a system for peaceful transfer of power. Numerous innocent people lost lives and limbs, and public establishments were burned by the opposition parties, to allow the politicians to settle their battles before the provision of "caretaker governmental system" was added to the Constitution in the form of the 13th Amendment. Prime Minister Sheikh Hasina led a violent political movement in 1996 to compel the then government, headed by Khaleda Zia, to create this caretaker governmental system.

However, Sheikh Hasina's government deliberately repealed the same provision without getting consent from the opposition parties, and knowing that the opposition parties would boycott the election due to the serious question posed over the credibility of the election conducted under a partisan arrangement.

On 5 January 2014, the government held a general election, in which only the ruling party and its political allies participated. All the opposition parties boycotted the election. The ruling party won 153 seats unopposed out the total of 300 parliamentary constituencies. In the remaining 147 seats, less than 10% voters turned out, amidst rigging by the ruling party and law enforcement agencies. The January 5th election was marked by violence; there were clashes between the law enforcement agencies and activists of opposition parties.

Since the beginning of 2015, Bangladesh remains a deadly place for all human beings. The government used 'Joint Forces' comprising the Police, Rapid Action Battalion and Border Guards Bangladesh to raid the houses of the opposition activists. Many houses were demolished and people including women are detained while several persons' whereabouts remain unknown. Many people in the northern Bangladesh left their houses in fear of arrest and harassments. Numerous people are still hiding to avoid arbitrary arrest or extrajudicial execution. This has caused internal displacements in the country.

All political meetings of mainstream opposition parties were banned in last week of December 2014. Today, only the ruling party is allowed to hold public meetings and rallies in the country. The government closed the offices of the opposition parties so that they cannot hold any internal meetings. Senior opposition leaders have been detained in prison in allegedly fabricated criminal cases.

The former Prime Minister Khaleda Zia, who is leading movement of the opposition parties for the people's voting rights, has been barred from all manners of political programmes. The government has blocked all the roads around the political office of Khaleda Zia in the capital city's diplomatic zone by parking two dozens of trucks laden with sand, bricks, and timber since early January 2015. The police even used pepper spray on the former Premier while she was speaking to the press at the gate of her office; pepper spray is banned by the country's High Court due to its harmful impact on human health. The police also locked the office confining the employees and the former Prime Minister inside, disconnecting utility supplies, including telephone, fax, Internet, and electricity to the building housing the office. The police have also embargoed portable food and drinking water to the office.

Following the ban on peaceful rallies, and the continuing arrests and extrajudicial executions in Bangladesh, the opposition since has called for a countrywide closure of public transport since 6 January 2015. Arson attacks on public transports have followed, which have killed around 30 and wounded numerous people. Innocent people are being victimized every day. Firebombs have been found in the possession of both ruling and opposition parties, which indicate that both parties are involved in similar crimes. In fact, most of the alleged attackers carrying "petrol bombs" or crude bomb have been released either from the police station or released on bail from the courts after their arrest due to their political allegiance to the ruling party.

The Bangladesh Police and the Rapid Action Battalion (RAB), a paramilitary force reputed for extrajudicial executions, have announced bounties—from Taka 10,000 to Taka 100,000 ($ USD 1,300)—for the apprehension of firebomb attackers. The chiefs of the RAB, the police, and the Border Guards Bangladesh (BGB) have declared in media briefings and public meetings that their personnel will shoot and kill those suspected of carrying firebombs. In a public statement on 28 January 2015, incumbent Prime Minister Sheikh Hasina gave senior law-enforcement officers "liberty" to take any action deemed necessary.

The Bangladesh government is abusing the country's political crisis. It has escalated arbitrary deprivation of the right to life through extrajudicial executions targeting political opposition. Enforced disappearance has become a common phenomenon for the public. Often, bodies of political activists, who were picked up by the Detective Branch (DB) of the Police, are found with bullet wounds several days after their disappearance. As a result, almost every day, the law enforcement agencies circulate the stories of "gun battles" after killing detainees. Several victims of such extrajudicial murder have been found to be non-political persons, and the law-enforcing agencies have killed them for their family's failure to pay the demanded sum of money.

For example: a police team led by Sub Inspector Touhidul Islam arrested G.M. Nahid (22) on 2 February from the Mirpur area in Dhaka. The family came to know the police vehicle's registration number. The police called and asked the family to pay Taka 500,000 (USD 6,420.00) to secure Nahid's release from police custody. The family promised to pay all they could: Taka 50,000. The police refused to release Nahid. The following morning the police murdered Nahid. His body was left at the morgue for five days, as the family did not know that their son had been murdered. On 8 February, the relatives identified the body when the police repeated the same story of "gun battle" and "crossfire".

G. M. Nahid is not the only recent victim of extrajudicial executions. Between 5 January and 15 February 2015, the police and the RAB have murdered at least 34 other persons. Most of the victims have been identified as activists and grassroots level leaders of opposition parties.

Since January 2015, more than 15,000 activists of the opposition have been arrested and detained in prison. All the victims have alleged being tortured in custody. In several cases, the police have arrested the wives, siblings, or parents, when the targeted opposition leader was not found at home.

The law enforcement agencies are using two specific methods against the people. The police and RAB arrest the activist, then either torture the person while in detention or kill them in custody and throw the body in front of vehicles on highways, and later claim that the suspect was hit by a vehicle while attempting to escape from an agency vehicle.

The police or RAB handcuff the detainees, push them to the ground, and shoot at their legs—mostly at the knee joints. The police have permanently disabled dozens of victims by shooting their limbs. The ALRC has documented at least 10 cases in the last 45 days where doctors have amputated the victims' legs as a result of RAB shooting. No remedies have been accessible and affordable to the victims due to the subjugated nature of the criminal justice institutions of Bangladesh.

The government keeps blaming the opposition for the arson attacks on public transport and labels them "militants" and "terrorists" in all forums. This is to exploit the current "Islamic militancy phobia" and the importance of the "global war on terror" in global diplomacy to perpetuate the government's hold on power.

The ALRC urges the Human Rights Council to immediately investigate by sending its own experts to Bangladesh so that no parties can fool the international community. The Council needs to create a country mandate to report back to the UN for taking further steps for the protection of the lives, liberties, and livelihood of the people. The Council and the international community must find ways to intervene in Bangladesh before it is too late.

United Nations A/HRC/28/NGO/83

General Assembly

Distr.: General
20 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03322 (E)
1503322

Please recycle

PAKISTAN: An attack on independence of judiciary and right to fair trial

The Asian Legal Resource Centre (ALRC) wishes to bring to the attention of the UN Human Rights Council the supra-constitutional arrangement that has established military courts and is depriving the people of Pakistan their right to fair trial.

Following the gruesome massacre of children at the Army Public School in Peshawar on 16th December 2014, under military pressure, the government lifted the moratorium on death sentences and rapidly pushed through the 21st Constitution Amendment, establishing military courts with summary trials.

From 22nd December 2014 to date, 24 persons believed to be terrorists have been executed by hanging. According to the Minister of Interior Affairs, a list of over 500 more persons has been prepared and they too will be hanged this year. Today, there are more than 8,000 persons on death row in Pakistan.

The supra-constitutional move is being touted by the State as a "necessary evil" to counter terrorism and militancy. Pakistani civil society and its jurists have condemned the move, arguing that it will only add fuel to the fire. This is not the first time such a regressive measure has been taken: in 1977 and in 1998 military courts were established in Pakistan; they were subsequently termed unconstitutional and struck down by the Supreme Court. The government decided to play its cards well this time around and established the military courts by amending the Constitution, thus removing the matter from the jurisdiction of the Supreme Court.

The Constitutional (twenty-first) Amendment Bill, 2015, establishing the military courts was passed in the National Assembly on 6th January 2015. The military courts so established are against the basic foundation / structures of the Constitution; the Constitution envisages a separation of power amongst the pillar of the state—the judiciary, the executive, and the legislature. Giving any single pillar all-encompassing powers runs is against the basic structure of the Constitution of Pakistan.

The government has created parallel systems within the justice system. Not only is it against the right of fair trial, as provided in ICCPR Articles 14 and 16, it is against the fundamental right of fair trial and due process as enshrined in Article 10A of the Constitution of Pakistan.

The established constitutional principal dictates that military tribunals remain subordinate to the civilian appellate courts and not vice versa; the right to appeal should vest with the civilian judges. The establishment of military courts has taken away the fundamental rights guaranteed in the Constitution, which are non-derogable under any circumstances.

The procedure followed by the military courts does not strictly adhere to the dictates of equality before law and places the burden of proof on the accused to prove himself or herself innocent, something that runs counter to a fundamental principal of criminal justice, "innocent until proven guilty".

The trials conducted by the Pakistani military are often rushed. The circumvention of due process often results in miscarriage of justice. As these courts do not follow precedence, their proceedings are often kept secret; it is but natural that their transparency and conviction will always remain in question.

The procedure followed by these military courts is such that the complainants, prosecutors, and judges are all military personnel with little or no legal background. The summary court procedures allow little room for the accused to defend themselves; the accused are not allowed legal counsel. The accused are deemed convicts *ab initio*. Thus there is a slim chance of them being acquitted. The military court summary proceedings can order execution on the slimmest evidence. The accused will thus be denied due process and fair trial, a fundamental right under Article 5 of the Constitution of Pakistan.

This is but another manifestation of the constant effort of the government to undermine the independence of the judiciary and deprive the people fair trial. There already exist Anti Terrorist Courts (ATC) for the trial of terrorists. In 2014, the government passed law called the Pakistan Protection Act (PPA) to combat terrorism, authorizing law enforcement agencies to shoot suspects on sight and detain suspects for ninety days for 90 days without trial. Military courts to combat the terrorism are but one step further. The government, under pressure from the powerful military establishment, is strangulating the working of the judiciary and allowing supra-constitutional forces to eat up the little space for fair trials in Pakistan.

However, the government's act of enabling the military to try terror suspects in military courts is not a response to the urgent call by the people to bring terrorism to an end and to restore the rule of law in the country. Nowhere in the world have military courts resolved the problem of terrorism, or any other problems. What military courts will do is only add to the chaos in Pakistan, a country already besieged with virtually every form of chaos imaginable. For the government to even proclaim the idea that military courts will bring about law and order demonstrates how off-kilter the country has become and how incapable the politicians are.

Extrajudicial punishment through military courts will only heighten the feeling among the people that the State is unable to act within the legitimate and legal framework to deal with the terrorist threat. The perception of the government acting outside the framework of the law will further undermine the government, something that will be exploited by terrorists. Military courts performing civilian court functions will increase the high levels of instability that permeates life in Pakistan.

The legal community, particularly the Bar Associations from the district level to the Supreme Court, has rejected the establishment of military courts and is observing a day of protest once every week. The Bar Associations have also challenged the supra-constitutional act of the government.

Anarchy in Pakistan will likely develop and the judiciary and political parties will then, once again, be threatened into silent compliance by the powerful military establishment. The pillars of the state are once again at loggerheads, as was the case during General Musharraf's era. The general opinion amongst the masses is that parliamentarians have time and again betrayed the people, and that this time they have betrayed the Constitution.

The question on every Pakistani's mind is: who will guarantee the fundamental rights to the people? Establishing military courts, citing low conviction rates, is not appropriate approach to tackle the menace. Basic rights of the common man have been traded with the promulgation of draconian laws like Protection of Pakistan Ordinance (PPO) and the establishment of military courts, which will only temporarily serve the security and safety of the political elite. The political and military elite, in connivance, will continue to evade accountability, framing fractured internal policy, while hoodwinking the masses into believing that it is for their own good.

The argument in favour of letting military courts deal with terrorists is an acknowledgement of the failure of the police and the judicial system in dealing with crime. It is quite normal for people who have witnessed the massacre of their own children to be enraged. It should be within the capacities of Pakistan's politicians to utilise this moment of rage among the people in order to bring about radical measures to address the country's failed criminal justice system, rather than to allow such rage to burn down the entire political system and whatever is left of the civilised way of life of the people of Pakistan.

RECOMMENDATIONS:

The ALRC requests the intervention of the UN HRC in order to urge the government of Pakistan to:

A. Invest in the Judiciary and promulgate witness and complainant protection laws to allow the judicial system to function. Setting up of parallel legal systems like military courts cannot and will not address the problem of terrorism. The criminal justice system of Pakistan needs major overhauling and immediate attention of the state's policy makers. Any judicial system that is applied selectively to punish the poor man for petty crime, while allowing the elite to get away with murder, will be unsustainable.

B. Streamline and strengthen the present judicial administration system as a whole, including, specifically, the police (investigation), the prosecution, and the Judiciary. There are various Law Commission Reports on the subject, where remedies have been pinpointed. These recommendations must be implemented by the State.

C. Free the judicial system free from nepotism and ensure transparency in the prosecution of the accused. The conviction rate is dismal: a mere 4%. The prosecution most often fails to prove guilt. The government often neglects the very important institution of prosecution, resulting in the guilty going scot-free, and the Judiciary bears the brunt of the blame. The government needs to invest in the prosecution to purge it of nepotism and corruption and ensure that there is no political intervention in the judicial process.

It is high time for the Pakistan government to reform the criminal justice system, as it is faulty investigation and weak prosecution that lets criminals get away and traps the defenceless poor for crimes they may never have committed. However prudent it may seem now to have military courts for executing "terrorists", it is simply another smokescreen, which creates the impression of action when it is in reality a regression away from democracy and the rule of law. All of this is besides the point that capital punishment is unacceptable in any society that believes in law, however grave the crime may be.

United Nations A/HRC/28/NGO/84

General Assembly

Distr.: General
23 February 2015

English only

Human Rights Council
Twenty-eighth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-03341 (E)
1503341

Please recycle

PHILIPPINES: Failure to investigate and prevent widespread attacks on human rights defenders

The Asian Legal Resource Centre (ALRC) welcomes the report of the Special Rapporteur on the situation of human rights defenders (A/HRC/28/63). We take note of the Special Rapporteur's emphasis on the importance of "preventing violations against defenders (para. 6)." In General Assembly Resolution (A/RES/68/181 para. 9), states are called upon to "exercise due diligence in preventing violations and abuses" against defenders in line with their primary responsibility to promote and protect rights.

The ALRC takes note of the enormous challenges that defenders face in advocating for and protecting fundamental rights and freedoms, notably the poor and the oppressed, comprising a majority of the Filipino population. The GA's Resolution (A/RES/68/181) takes note of the "historical and structural inequalities in power relations" as the root causes whereby the rights of defenders are "violated or abused and their work stigmatized." These are real challenges to which we would like the Council to pay attention.

The Philippine government has however failed in practice or disregarded what the Rapporteur and the Resolution wanted it to achieve: preventing, protecting, and redressing violations committed against defenders, as a primary responsibility. In the period covered in the Rapporteur's report, the ALRC has also observed a renewed pattern of targeted widespread and systematic attacks against defenders—including extrajudicial killings, arbitrary arrest and detention, fabrication of charges, and threats and intimidation. In 2014 alone, the ALRC has documented 30 cases of attacks on defenders; in these attacks, 17 persons were killed, two tortured, seven threatened, and one disappeared.

Of the dozens of appeal letters the ALRC's sister organisation, the Asian Human Rights Commission (AHRC), sent to the government—asking for it to investigate cases of extrajudicial killings, threats, overt and covert surveillance on defenders—those that received replies are "often general or evasive". The Rapporteur has also noted this feature of government communication. The ALRC has observed that these responses are for the purpose of protecting the government from international criticisms, rather than protecting the rights of defenders or redressing their grievances.

We commend the Rapporteur's plan to strengthen the use of communications, notably on cases that require urgent attention, and launching of joint appeals with other special procedures. This, however, could function only when the state cooperates and acts promptly on communications sent to it. The ALRC's experience in communicating with the government has been unsatisfactory; the government is either selective in responding to cases or it does not respond at all. Not to respond to urgent appeals and communications, the ALRC has observed, has been a common practice of the government.

On April 30 last year, two unidentified men were found overtly following the ALRC's Deputy Director, Danilo Reyes, in Quezon City, Metro Manila. One of the men was carrying a short firearm. Mr. Reyes had been attending a consultation on prevention of torture organized by the Philippines Commission on Human Rights (PCHR). Reyes's participation was upon the invitation of the PCHR. Following the incident, Mr. Reyes reported the incident to the police. The ALRC has since expressed concern and sought explanation why the intelligence agents were present during the PCHR meeting, something that was not relayed to Mr. Reyes. To date, no investigation has been conducted, and there has been no reply from the PCHR.

The ALRC would like to draw the Council's attention that Mr. Reyes is one of the "persons who cooperates with the United Nations or international organisations" who requires protection from reprisals. The overt surveillance of Mr. Reyes took place a month after he provided information to the Rapporteur's office, upon its request, about cases involving attacks on defenders, and over a year after his oral intervention at the conclusion of the Philippine Universal Periodic Review during the 21st HRC Session.

In fact, the communications involving attacks on eight human rights defenders in the Philippines (A/HRC/27/72, p. 9, 14, 19), considered in the Report of the Special Procedures, is based on information collected by Mr. Reyes and

submitted to the Special Procedures via the AHRC's Urgent Appeals Program. Mr. Reyes has also informed the office of the Rapporteur on human rights defenders about his case but is not aware of action taken, if any. The ALRC, therefore, expresses concern on the competence of the PCHR, in the light of Mr. Reyes's case, to carry out its "primary role in protection" (A/HRC/28/63, para. 68).

The ALRC is not aware of any action taken by the Philippines government to redress the killing of Siche Gandinao, killed by soldiers on March 10, 2007, after she testified to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Professor Philip Alston, during his country visit in 2007. During the 11th Session of the HR Council, ALRC asked whether there were "any credible actions taken by the government to investigate her death (ALRC-COS-11-10-2009)[1]". However, to date, the ALRC is not aware whether the perpetrators have been punished or not.

In addition to the Rapporteur's report (A/HRC/28/63, para. 31), although the Philippines judicial system and legal framework may have their own weaknesses and flaws, they are highly efficient and robust when it comes to pursuing criminal prosecutions against defenders. In ALRC's written submission during the HR Council's 10th, 19th, and 27th Session, the ALRC raised concern on the abuse of the legal system to prosecute defenders (A/HRC/10/NGO/89; A/HRC/19/NGO/51) and the failure of the government to prevent arbitrary detention arising from this abuse (A/HRC/27/NGO/67).

The ALRC welcomes the Resolution (A/RES/68/181, para. 8, 10), which calls upon the state to ensure that defenders are not subject to "excessive and indiscriminate use of force, arbitrary arrest or detention, torture, enforced disappearance, and abuse of criminal and civil proceedings" and to ensure that promotion and protection of human rights "are not criminalized or met with limitations". Section 15, Article XIII, of the 1987 Constitution does recognize the role of individuals and groups pursuing "legitimate and collective interests and aspirations through peaceful and lawful means"; however, this robust constitutional right remains only on paper.

The ALRC also expresses its deep concern on the continued labelling of human rights defenders as "enemies of the state". Those labelled "enemies of the state" are systematically targeted for extrajudicial killings, threats, overt surveillance, and fabrication of charges. A report by Lawyers for Lawyers notes that 39 lawyers, mostly "handling high profile cases, such as land reforms, corruption and election-related issues," have already been killed since 2004. Targeting lawyers deprives not only victims and defenders their pursuit of redress in courts, it also effectively obstructs any demands to hold the government accountable, because the case would possibly not be heard in court as a result, and would not have substantial progress, let alone result in the punishment of any perpetrators.

The ALRC welcomes the abolition of Inter-Agency Legal Action Group (IALAG) upon recommendation of Professor Philip Alston in his follow-up report in April 2009 (A/HRC/11/2/Add.8); however, while the structure has been abolished, how the prosecutors operate still remains; they are acting as "team players" with the Armed Forces of the Philippines and Philippine National Police (PNP) in counterinsurgency operations." In fact, we have observed an increasing trend of the filing of fabricated charges against persons (defenders) perceived by the government as "enemies of the state" and "purported front groups" of the Communist Party.

The ALRC welcomes the arrest of Jovito Palparan Jr., a retired military general, wanted on charges of kidnapping and serious illegal detention, by the National Bureau of Investigation (NBI), in Sta. Mesa, Metro Manila, on August 12, 2014. Palparan's arrest happened nearly two years after the ALRC called upon Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions, in ALRC's oral intervention (ALRC-COS-20-102012) in the 20th Session of the Council. The ALRC urged Mr. Heyns to closely follow the progress of Palparan's trial, and ensure the speedy and the prompt conclusion of the cases against him in court.

[1] Asian Legal Resource Center (2009) ASIA: Impunity continuing unabated concerning extra-judicial killings, at: http://www.humanrights.asia/news/alrc-news/human-rights-council/hrc11/ALRC-COS-11-10-2009

The ALRC is aware that the arrest, detention, and trial of perpetrators are only the beginning of what is usually a tedious and lengthy criminal proceeding in the Philippines criminal justice system. Take the case of Benjaline Hernandez, a woman human rights defender murdered by soldiers and paramilitary forces in Arakan, North Cotabato, in April 2002. The UN Human Rights Committee (UN Doc. CCPR/C/99/D/1559/2007) found that the state violated its obligation to ensure an effective remedy because the trial process had been "unreasonably prolonged." In cases involving former military officials like Palparan, whose actions had support from the government, holding them accountable for killings, disappearance, torture, and arbitrary detention of defenders, has been difficult because of the government's unwillingness or the lack of political will to do so.

This is evident in the joint appeals by the Special Procedures to the Philippines government on 4 July 2011 and 10 November 2011 on cases of targeted attacks on human rights and political activists. On 28 December 2012, the Rapporteurs expressed concern about the "continued reports of alleged killings, threats and harassment of human rights defenders." They also noted the "increased stigmatization of environmental farmers and indigenous rights defenders (including women), in particular those who campaign peacefully against large scale mining." The practice by soldiers to label and accuse defenders as "supporters, sympathizers or members" of communist rebels has continued, despite standing recommendation by the Rapporteur to cease and refrain from the same.

The ALRC reminds the Philippine government regarding the GA Resolution (A/RES/68/181, para. 7, 17) on the "important and legitimate role of women human rights defenders" and ensuring "adequate protection of women defenders." The ALRC is aware of two cases of two women human rights defenders forced to leave their home, the community where they work, and their families, to seek refuge in another place after they being subject to threats, overt surveillance, and questioning by soldiers. They were forced to admit their membership to a communist rebel group. Furthermore, in the case of the Maguindanao massacre, one of the widows of the journalists killed, Myrna Reblando, and her daughter, have had to leave the country for fear of their lives, after a PHP 3 million pesos bounty was put on her head.

In Reblando's case, neither the PCHR nor the PNP were able to provide protection despite the real risk and threat faced. The mother and her daughter have had to leave the country to seek protection. In the Philippines, there is no adequate protection for persons who pursue criminal prosecution against the military and the police. The Witness Protection Programme Act (WPP) can only cover those considered to be witnesses; this does not include victims or persons who pursue criminal prosecution that may face threats.

Apart from Reblando, Florence Manegdeg, an indigenous woman and widow of Jose "Pepe" Manegdeg, a human rights defender, allegedly killed by the military in November 2005, also has not received any form of protection despite repeated appeals. Florence's two daughters have had to endure threats and risk to their life as they pursued prosecution of the soldier in court. The delay in the trial and the lack of protection to the lone witness in the murder has resulted in the dismissal of the case in court.

The ALRC supports the plan of the Special Rapporteur on the situation of human rights defenders to strengthen the mechanism on communication, follow up, and monitoring activities, and to have a dialogue with the government to determine the progress of their pledges to ensure protection of defenders.

The ALRC urges the Council to inquire from the government what progress it has undertaken to prevent violations against defenders and to ensure accountability for those accused of violations. The government must ensure that adequate protection, and its mechanisms, is made known to the public in need.